

After Recording Return To:

Steven B. Price
General Counsel
Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714

This Space Reserved for Recording Purposes

TERMINATION AND RELEASE OF IMPACT FEE DEFERRAL AGREEMENT

THIS TERMINATION AND RELEASE OF IMPACT FEE ASSESSMENT AND DEFERRAL AGREEMENT (“**Termination**”) made this ____ day of _____, 20____, by and between the Ada County Highway District, a body politic and corporate of the state of Idaho (“**ACHD**”); the City of Meridian, an Idaho municipal corporation, (“**the City**”); BVASB Ten Mile Medical Office Building, LLC, an Idaho limited liability company (“**Developer**”).

RECITALS

A. The Developer, ACHD and the City have entered into the Impact Fee Assessment and Deferral Agreement dated the 17th day of March, 2020, and recorded April 15, 2020, as Instrument No. 2020-043939, records of Ada County, Idaho (the “**Agreement**”). Capitalized but undefined words shall have the same meaning as set forth in the Agreement.

B. The Project, more particularly described in the Agreement has been terminated and the improvements contemplated in the Agreement have not been constructed on the Property.

C. The parties desire to release and terminate the Impact Fee Assessment and Deferral Agreement as it relates to the Property.

D. Any future development of the Property will require payment of the required impact fees due associated with such project at the time of its construction.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreement set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer, ACHD and the City agree as follows:

I. TERMINATION AND RELEASE

1. The Impact Fee Assessment and Deferral Agreement dated the 17th day of March, 2020, by the parties and recorded April 15, 2020, as Instrument No. 2020-043939, records of Ada County, Idaho, encumbering the real property described herein in Exhibit A is hereby released and terminated.

2. This Termination may be executed in one or more counterparts and shall be recorded to evidence the termination of the Impact Fee Assessment and Deferral Agreement.

SIGNATURES ON FOLLOWING PAGES

ACHD
ADA COUNTY HIGHWAY DISTRICT

By _____
_____, Commission President

STATE OF IDAHO)
)ss.
County of Ada)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared _____, known or proved to me to be the Commission President of the Ada County Highway District, a body corporate and politic of the state of Idaho, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said entity.

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

Notary Public
Residing at _____
Comm. Expires _____

DEVELOPER

BVASB Ten Mile Medical Office Building, LLC,
an Idaho limited liability company

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

By: _____
Cortney Liddiard, President
Date: _____

BVASB Ten Mile Medical Office Building, LLC,
an Idaho limited liability company

By: Brighton Corporation, an Idaho
Corporation, the Executive Manager

By: _____
Robert L. Phillips, President
Date: _____

STATE OF IDAHO)
)ss.
County of Ada)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Cortney Liddiard, known or proved to me to be the President of BV Management Services, Inc., an Idaho corporation, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of BVASB Ten Mile _____, LLC.

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

Notary Public
Residing at _____
Comm. Expires _____

STATE OF IDAHO)
)ss.
County of Ada)

On this ____ day of _____, 20____, before me, a Notary Public, personally appeared Robert L. Phillips, known or proved to me to be the President of Brighton Corporation, an Idaho corporation, an Executive Manager of BVASB Ten Mile _____, LLC, an Idaho limited liability company, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of BVASB Ten Mile _____, LLC.

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

Notary Public
Residing at _____
Comm. Expires _____

CITY

City of Meridian

By: _____
Robert E. Simison, Mayor

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Robert E. Simison, known or proved to me to be the Mayor of the City of Meridian, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said entity.

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

Notary Public
Residing at _____
Comm. Expires _____

Exhibit A
Legal Description of Property

Exhibit A

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



Idaho Office
Tel: 208.895.2520

Date: June 7, 2019
Project: ID-1579-1901
Page: 1 of 2

PARCEL E

This parcel is a portion of Lots 5, 6 and 7, Block 1 of the Final Plat of TM Crossing Subdivision, on file in Book 112, pages 16327 through 16330 and is situated in a portion of the S.W. ¼ of Section 14, Township 3 North, Range 1 West of the Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said Lot 2; thence along the north boundary of said Lot 2,

- 1) S.89°11'34"E., 703.36 feet to the northeast corner of said Lot 2 and a point of curvature; thence along the east boundaries of Lots 2, 3, 4, 5, 6 and a portion of Lot 7 and a curve to the right,
- 2) Having an arc length of 117.83 feet, a radius of 326.00 feet, through a central angle of 20°42'33" and a long chord which bears S.34° 13' 55"E., 117.19 feet to a point of compound curvature; thence along a curve to the right,
- 3) Having an arc length of 315.38 feet, a radius of 731.00 feet, through a central angle of 24°43'10" and a long chord which bears S.11°31'04"E., 312.94 feet; thence continuing,
- 4) S.00°50'32"W., 34.27 feet to the **POINT OF BEGINNING**; thence continuing,
- 5) S.00°50'32"W., 98.96 feet to a point of curvature; thence along a curve to the left,
- 6) Having an arc length of 61.80 feet, a radius of 349.00 feet, through a central angle of 10°08'42" and a long chord which bears S.04°13'49"E., 61.71 feet; thence leaving said east boundaries,
- 7) N.89°11'04"W., 211.16 feet; thence,
- 8) N.00°33'50"E., 160.43 feet; thence,

H:/ID-1579-1901-Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/ REV Parcel E 060719

Date: June 7, 2019
Project: ID-1579-1901
Page: 2 of 2

9) S.89°11'04"E., 206.48 feet to the **POINT OF BEGINNING**.

CONTAINING 33,174 square feet (0.761 acres), more or less.

H:/ID-1579-1901-Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/ REV Parcel E 060719

Exhibit A

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



Idaho Office
Tel: 208.895.2520

Date: June 7, 2019
Project: ID-1579-1901
Page: 1 of 2

PARCEL F

This parcel is a portion of Lots 7 and 8, Block 1 of the Final Plat of TM Crossing Subdivision, on file in Book 112, pages 16327 through 16330 and is situated in a portion of the S.W. ¼ of Section 14, Township 3 North, Range 1 West of the Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said Lot 2; thence along the north boundary of said Lot 2,

- 1) S.89°11'34"E., 703.36 feet to the northeast corner of Lot 2 of said TM Crossing Subdivision and a point of curvature; thence along the east boundaries of Lots 2, 3, 4, 5, 6, 7 and Lot 8 and a curve to the right,
- 2) Having an arc length of 117.83 feet, a radius of 326.00 feet, through a central angle of 20°42'33" and a long chord which bears S.34° 13' 55"E., 117.19 feet to a point of compound curvature; thence along a curve to the right,
- 3) Having an arc length of 315.38 feet, a radius of 731.00 feet, through a central angle of 24°43'10" and a long chord which bears S.11°31'04"E., 312.94 feet; thence continuing,
- 4) S.00°50'32"W., 133.22 feet to a point of curvature; thence along a curve to the left,
- 5) Having an arc length of 61.80 feet, a radius of 349.00 feet, through a central angle of 10°08'42" and a long chord which bears S.04°13'49"E., 61.71 feet to the **POINT OF BEGINNING**; thence continuing along a curve to the left,
- 6) Having an arc length of 178.13 feet, a radius of 349.00 feet, through a central angle of 29°14'37" and a long chord which bears S23°55'29"E., 176.20 to the southeast corner of said Lot 8; thence leaving said east boundaries and along the south boundary of said lot 8 and a curve to the right,
- 7) Having an arc length of 129.53 feet, a radius of 169.00 feet, through a central angle of 43°54'54" and a long chord which bears S.68°51'33"W., 126.38 feet; thence continuing along said south boundary,

H:/ID-1579-1901 Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/REV Parcel F 060719

Date: June 7, 2019
Project: ID-1579-1901
Page: 2 of 2

8) N.89°11'04"W., 166.77 feet; thence leaving said south boundary,

9) N.00°33'50"E., 207.28 feet; thence,

10) S.89°11'04"E., 211.16 feet to the **POINT OF BEGINNING**.

CONTAINING 49,998 square feet (1.148 acres), more or less.

H:/ID-1579-1901 Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/REV Parcel F 060719

Exhibit A

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



Idaho Office
Tel: 208.895.2520

Date: June 9, 2016
Project: ID-1578-1901
Page: 1 of 2

PARCEL G

This parcel is a portion of Lots 5, 6, 7 and 8, Block 1 of the Final Plat of TM Crossing Subdivision, on file in Book 112, pages 16327 through 16330 and is situated in a portion of the S.W. ¼ of Section 14, Township 3 North, Range 1 West of the Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said Lot 2; thence along the west boundaries of Lots 2, 3, 4, 5, and a portion of Lot 6,

- 1) S.00°33'50"W., 404.00 feet; thence,
- 2) S.04°03'37"E., 48.84 feet; thence,
- 3) S.01°30'08"E., 25.48 feet to the **POINT OF BEGINNING**; thence leaving said west boundaries.
- 4) S.89°11'04"E., 349.42 feet; thence,
- 5) N.45°48'56"E., 51.43 feet; thence,
- 6) S.89°11'04"E., 238.33 feet; thence,
- 7) S.00°33'50"W., 361.78 feet to the south boundary of said Lot 8; thence along said south boundary,
- 8) N.89°11'04"W., 423.85 feet to a point of curvature; thence along a curve to the left,
- 9) Having an arc length of 128.56 feet, a radius of 235.84 feet, through a central angle of 31°14'01" and a long chord which bears S.77°47'45"W., 126.98 feet to a point of reverse curvature; thence along a curve to the right,

Date: June 7, 2019

H:/ID 1579-1901 Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/REV Parcel G 060719

Project: ID-1579-1901

Page: 2 of 2

10) Having an arc length of 63.61 feet, a radius of 168.98 feet, through a central angle of $21^{\circ}34'11''$ and a long chord which bears $S.72^{\circ}46'52''W.$, 63.23 feet; thence leaving said south boundary and along the west boundary of Lots 7, 8 and a portion of Lot 6,

11) $N.16^{\circ}11'16''W.$, 11.40 feet; thence,

12) $N01^{\circ}30'08''W.$, 362.99 feet to the **POINT OF BEGINNING**.

CONTAINING 214,203 square feet (4.917 acres), more or less.

H:/ID 1579-1901 Food Pavilion TM Crossing/Project data/04 Survey/Legal Descriptions/REV Parcel G 060719