

PEDESTRIAN PATHWAY EASEMENT

THIS AGREEMENT, made and entered into this 7th day of February, 2023, between 10 Mile Franklin, LLC, an Idaho limited liability company hereinafter referred to as "Grantor", and the City of Meridian, an Idaho municipal corporation whose address is 33 E. Broadway Ave., Meridian, Idaho 83642, 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, Grantor desires to grant an easement to establish a public pathway; and

WHEREAS, Grantor shall construct the pathway improvements upon the easement described herein and be responsible for the ongoing repair and maintenance of said pathway improvements; and

NOW, THEREFORE, the parties agree as follows:

GRANTOR does hereby grant unto 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.

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 Grantor shall repair and maintain the pathway improvements.

GRANTOR hereby covenants and agrees with 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.

GRANTOR does hereby covenant with 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.

The parties agree that the pathway and the easement identified herein is provided for "recreational purposes," as defined in Idaho Code Section 36-1604 and is therefore subject to the limitations on liability set forth therein.

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

[end of text – signatures on following page]

10 MILE FRANKLIN, LLC,
an Idaho limited liability company

By: Sunny Cove LLC,
an Idaho limited liability company
Its: Manager

By: Mark Engstrom, Manager

STATE OF IDAHO)
County of Ada) ss

This record was acknowledged before me on _____ (date), by Mark Engstrom as Manager of Sunny Cove LLC, the Idaho limited liability company that is the Manager of Franklin Mile Managers, LLC, the Idaho limited liability company that is the Manager of 10 Mile Franklin, LLC.

NOTARY PUBLIC FOR IDAHO
Commission Expires: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of yolo) ss.

On December 15, 2022 before me,
Cathy M. Shelton

Notary Public personally appeared Mark Engstrom

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

SIGNATURE Cathy M. Shelton



CITY OF MERIDIAN

Approved By City Council On: 2-7-2023

NOTARY PUBLIC FOR IDAHO
Residing at: _____ Meridian, Idaho
Commission Expires: _____

EXHIBIT A
Legal Description of Easement Property



IDAHO
SURVEY
GROUP

9955 W Emerald St
Boise, ID 83704

Phone: (208) 846-8570
Fax: (208) 884-5399

**Outer Banks Subdivision
Pathway Easement
Boundary Description**

Project Number 21-574 November 9, 2022

A 12-foot wide easement situated in the northeast quarter of the northeast quarter of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and being 6.00 feet on each side of the following described centerline:

Commencing at the northeast corner of Section 15, Township 3 North, Range 1 West, Boise Meridian;
Thence N89°15'23"W, 1320.37 feet along the north line of Section 15 to the northwest corner of the northeast quarter of the northeast quarter of Section 15;

Thence S00°35'22"W, 73.12 feet along the west line of the northeast quarter of the northeast quarter to the south right-of-way line of W. Franklin Rd.;

Thence S89°15'23"E, 6.15 feet along the south right-of-way line of W. Franklin Rd. to the POINT OF BEGINNING:

Thence S01°00'00"W, 8.17 feet;

Thence 13.40 feet on a curve to the left, having a radius of 16.00 feet, a central angle of 48°00'00", a chord bearing of S23°00'00"E, and a chord length of 13.02 feet;

Thence 51.02 feet on a reverse curve to the right, having a radius of 79.00 feet, a central angle of 37°00'00", a chord bearing of S28°30'00"E, and a chord length of 50.13 feet;

Thence 20.26 feet on a compound curve to the right, having a radius of 129.00 feet, a central angle of 09°00'00", a chord bearing of S05°30'00"E, and a chord length of 20.24 feet;

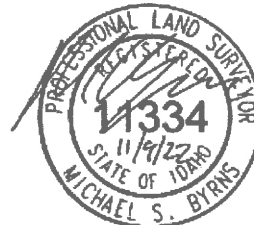
Thence 30.89 feet on a compound curve to the right, having a radius of 118.00 feet, a central angle of 15°00'00", a chord bearing of S06°30'00"W, and a chord length of 30.80 feet;

Thence 61.03 feet on a reverse curve to the left, having a radius of 269.00 feet, a central angle of 13°00'00", a chord bearing of S07°30'00"W, and a chord length of 60.90 feet;

Thence 20.21 feet on a compound curve to the left, having a radius of 193.00 feet, a central angle of 06°00'00", a chord bearing of S02°00'00"E, and a chord length of 20.20 feet;

Thence 37.93 feet on a compound curve to the left, having a radius of 41.00 feet, a central angle of 53°00'00", a chord bearing of S31°30'00"E, and a chord length of 36.59 feet;

Thence 40.79 feet on a reverse curve to the right, having a radius of 57.00 feet, a central angle of 41°00'00", a chord bearing of S37°30'00"E, and a chord length of 39.92 feet;





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Outer Banks Subdivision Pathway Easement continued...

Thence 102.97 feet on a reverse curve to the left, having a radius of 100.00 feet, a central angle of 59°00'00", a chord bearing of S46°30'00"E, and a chord length of 98.48 feet;

Thence 26.53 feet on a reverse curve to the right, having a radius of 20.00 feet, a central angle of 76°00'00", a chord bearing of S38°00'00"E, and a chord length of 24.63 feet;

Thence S00°00'00"E, 53.00 feet;

Thence 69.88 feet on a curve to the left, having a radius of 77.00 feet, a central angle of 52°00'00", a chord bearing of S26°00'00"E, and a chord length of 67.51 feet;

Thence 85.45 feet on a reverse curve to the right, having a radius of 288.00 feet, a central angle of 17°00'00", a chord bearing of S43°30'00"E, and a chord length of 85.14 feet;

Thence 31.52 feet on a reverse curve to the left, having a radius of 42.00 feet, a central angle of 43°00'00", a chord bearing of S56°30'00"E, and a chord length of 30.79 feet;

Thence 30.37 feet on a compound curve to the left, having a radius of 174.00 feet, a central angle of 10°00'00", a chord bearing of S83°00'00"E, and a chord length of 30.33 feet;

Thence 24.92 feet on a reverse curve to the right, having a radius of 84.00 feet, a central angle of 17°00'00", a chord bearing of S79°30'00"E, and a chord length of 24.83 feet;

Thence 37.87 feet on a compound curve to the right, having a radius of 35.00 feet, a central angle of 62°00'00", a chord bearing of S40°00'00"E, and a chord length of 36.05 feet;

Thence 54.79 feet on a reverse curve to the left, having a radius of 43.00 feet, a central angle of 73°00'00", a chord bearing of S45°30'00"E, and a chord length of 51.15 feet;

Thence 134.39 feet on a reverse curve to the right, having a radius of 110.00 feet, a central angle of 70°00'00", a chord bearing of S47°00'00"E, and a chord length of 126.19 feet;

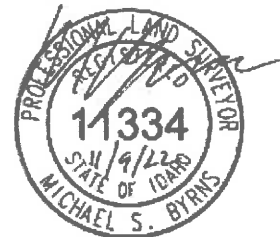
Thence 108.28 feet on a reverse curve to the left, having a radius of 141.00 feet, a central angle of 44°00'00", a chord bearing of S34°00'00"E, and a chord length of 105.64 feet;

Thence S56°00'00"E, 16.00 feet;

Thence 60.81 feet on a curve to the left, having a radius of 268.00 feet, a central angle of 13°00'00", a chord bearing of S62°30'00"E, and a chord length of 60.68 feet;

Thence 81.16 feet on a reverse curve to the right, having a radius of 186.00 feet, a central angle of 25°00'00", a chord bearing of S56°30'00"E, and a chord length of 80.52 feet;

Thence 33.41 feet on a reverse curve to the left, having a radius of 58.00 feet, a central angle of 33°00'00", a chord bearing of S60°30'00"E, and a chord length of 32.95 feet;





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Outer Banks Subdivision Pathway Easement continued...

Thence 19.57 feet on a reverse curve to the right, having a radius of 59.00 feet, a central angle of 19°00'00", a chord bearing of S67°30'00"E, and a chord length of 19.48 feet;

Thence S58°00'00"E, 37.00 feet;

Thence 6.96 feet on a curve to the right, having a radius of 19.00 feet, a central angle of 21°00'00", a chord bearing of S47°30'00"E, and a chord length of 6.92 feet;

Thence 56.06 feet on a reverse curve to the left, having a radius of 73.00 feet, a central angle of 44°00'00", a chord bearing of S59°00'00"E, and a chord length of 54.69 feet;

Thence 35.81 feet on a reverse curve to the right, having a radius of 19.00 feet, a central angle of 108°00'00", a chord bearing of S27°00'00"E, and a chord length of 30.74 feet;

Thence 37.52 feet on a reverse curve to the left, having a radius of 25.00 feet, a central angle of 86°00'00", a chord bearing of S16°00'00"E, and a chord length of 34.10 feet;

Thence S59°00'00"E, 75.00 feet;

Thence 35.19 feet on a curve to the left, having a radius of 48.00 feet, a central angle of 42°00'00", a chord bearing of S80°00'00"E, and a chord length of 34.40 feet;

Thence 68.64 feet on a reverse curve to the right, having a radius of 69.00 feet, a central angle of 57°00'00", a chord bearing of S72°30'00"E, and a chord length of 65.85 feet;

Thence 23.95 feet on a reverse curve to the left, having a radius of 49.00 feet, a central angle of 28°00'00", a chord bearing of S58°00'00"E, and a chord length of 23.71 feet;

Thence 14.66 feet on a reverse curve to the right, having a radius of 20.00 feet, a central angle of 42°00'00", a chord bearing of S51°00'00"E, and a chord length of 14.33 feet to the POINT OF ENDING.

The above-described easement contains 0.45 acres, more or less.

The sidelines of the above-described shall extend or contract to form a closed figure and to close upon the property lines at the POINT OF BEGINNING and at the POINT OF ENDING.

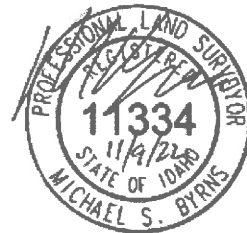
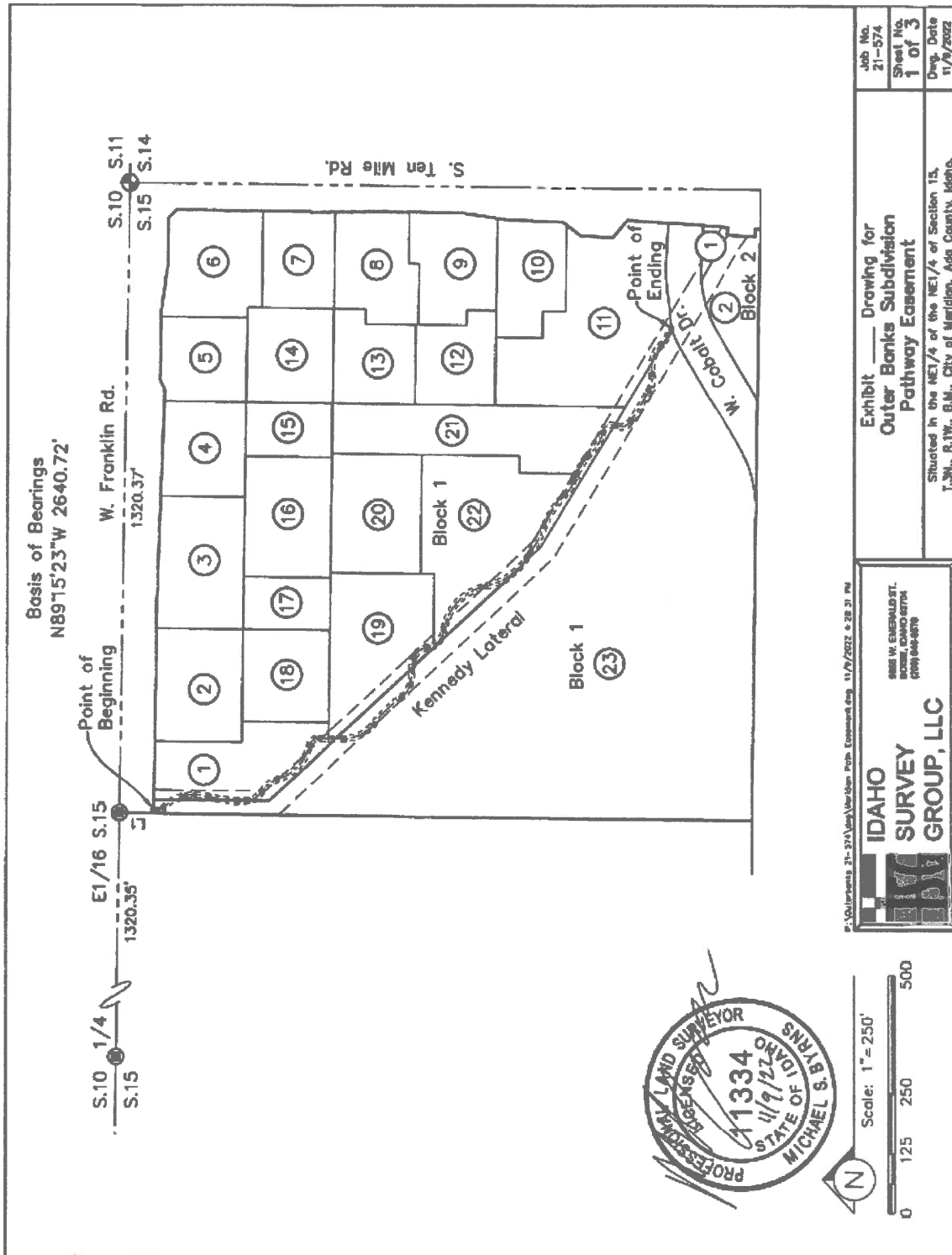
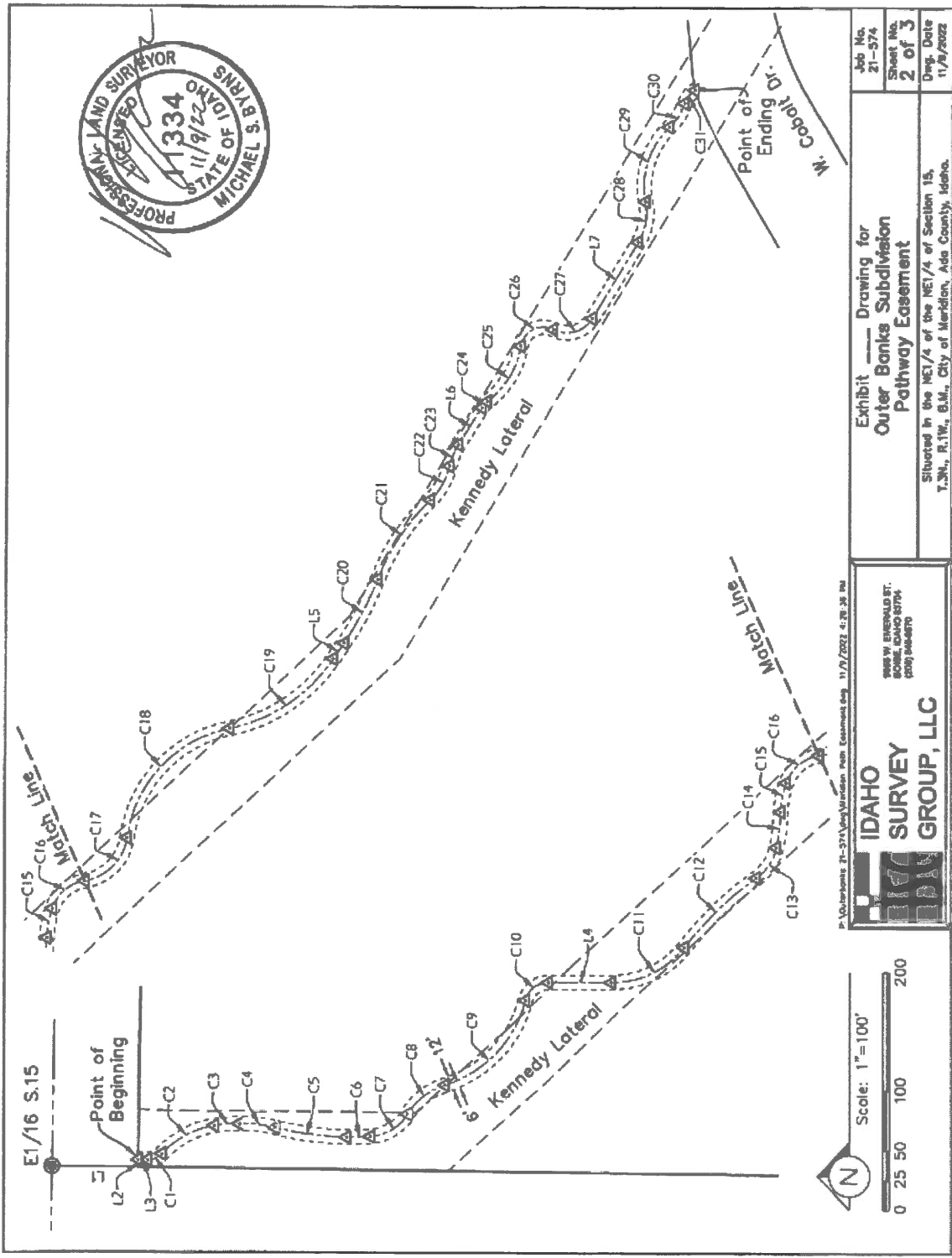


EXHIBIT B Depiction of Easement Property





 IDAHO SURVEY GROUP, LLC 3000 W. EMERALD ST. BOISE, IDAHO 83704 (208) 333-8888	Exhibit --- Drawing for Outer Banks Subdivision Pathway Easement	Job No. 21-574
	Situated in the NE1/4 of the NE1/4 of Section 15, T.34N., R.11W., B.M., City of Meridian, Ada County, Idaho.	Sheet No. 2 of 3
		Dwg. Date 11/9/2022

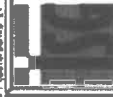
Curve Table				
Curve	Length	Radius	Delta	Chord Bearing
C1	13.40'	16.00'	48°00'00"	S23°00'00"E
C2	51.02'	79.00'	37°00'00"	S28°30'00"E
C3	20.26'	129.00'	9°00'00"	N05°30'00"W
C4	30.89'	118.00'	15°00'00"	S06°30'00"W
C5	61.03'	289.00'	13°00'00"	S07°30'00"W
C6	20.21'	193.00'	6°00'00"	S02°00'00"E
C7	37.93'	41.00'	53°00'00"	S31°30'00"E
C8	40.79'	57.00'	41°00'00"	S37°30'00"E
C9	102.97'	100.00'	59°00'00"	S49°30'00"E
C10	26.53'	20.00'	76°00'00"	S38°00'00"E
C11	69.88'	77.00'	52°00'00"	S26°00'00"E
C12	85.45'	288.00'	17°00'00"	S43°30'00"E
C13	31.52'	42.00'	43°00'00"	S56°30'00"E
C14	30.37'	174.00'	10°00'00"	S63°00'00"E
C15	24.92'	84.00'	17°00'00"	N79°30'00"W
C16	37.87'	35.00'	62°00'00"	N40°00'00"W
C17	54.79'	43.00'	73°00'00"	S45°30'00"E
C18	134.39'	110.00'	70°00'00"	S47°00'00"E
C19	108.28'	141.00'	44°00'00"	S34°00'00"E
C20	60.81'	288.00'	13°00'00"	S62°30'00"E

Curve Table				
Curve	Length	Radius	Delta	Chord Bearing
C21	81.16'	186.00'	25°00'00"	S56°30'00"E
C22	33.41'	58.00'	33°00'00"	S60°30'00"E
C23	19.57'	59.00'	19°00'00"	S67°30'00"E
C24	6.96'	19.00'	21°00'00"	S47°30'00"E
C25	56.06'	73.00'	44°00'00"	S59°00'00"E
C26	35.81'	19.00'	108°00'00"	N27°00'00"W
C27	37.52'	25.00'	86°00'00"	S16°00'00"E
C28	35.19'	48.00'	42°00'00"	S80°00'00"E
C29	68.64'	69.00'	57°00'00"	S72°30'00"E
C30	23.95'	49.00'	28°00'00"	S58°00'00"E
C31	14.66'	20.00'	42°00'00"	S51°00'00"E

Line Table		
Line	Bearing	Length
L1	N00°35'22"E	73.12'
L2	S89°15'23"E	6.15'
L3	S01°00'00"W	8.17'
L4	S00°00'00"W	53.00'
L5	N56°00'00"W	16.00'
L6	S58°00'00"E	37.00'
L7	S59°00'00"E	75.00'



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IDAHO
SURVEY
GROUP, LLC

1000 W. BLISS AVE.
BOISE, IDAHO 83725
(208) 333-8877

Exhibit — Drawing for
Outer Banks Subdivision
Pathway Easement

Subdivided in the NE1/4 of the NE1/4 of Section 15,
T.39N., R.11W., B.M., City of Meridian, Ada County, Idaho.

Job No.
21-574
Sheet No.
3 of 3
Dwg. Date
11/9/2022