

**Project Name (Subdivision):**

**TM Center East Subdivision No. 1**

**Water Main Easement Number: 1**

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

**ESMT-2023-0176**

**WATER MAIN EASEMENT**

THIS Easement Agreement, made this 2th day of December, 20 23 between DWT Investments LLC, SCS Investments LLC and BVB Ten Mile Crossing Annex, LLC, (“Grantor”), and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

WHEREAS, the Grantor desires to provide a water main right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the water main 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 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 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, its 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 shall not place or allow to be placed any permanent structures or obstructions within the easement area that would interfere with Grantee's use of said easement, including, but not limited to, buildings, trash enclosures, carports, sheds, fences, trees, or deep-rooted shrubs.

THE GRANTOR covenants and agrees with the Grantee that should any part of the right-of-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.

[END OF TEXT; SIGNATURES TO FOLLOW]

GRANTOR:

DWT INVESTMENTS LLC  
an Idaho limited liability company

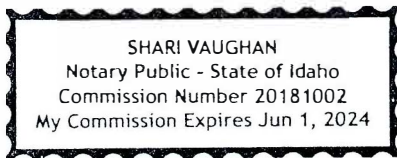
By: Brighton Corporation,  
Manager

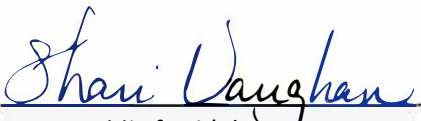
By:   
Robert L. Phillips, President

STATE OF IDAHO     )  
                                  :SS.  
County of Ada        )

On this the 27 day of November, in the year 2023, before me a Notary Public of said State, personally appeared Robert L. Phillips, known or identified to me to be the President of Brighton Corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such company executed the same.

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



  
Notary Public for Idaho  
My Commission Expires: 6-1-2024

GRANTOR:

SCS INVESTMENTS LLC  
an Idaho limited liability company

By: *Michael A. Hall*  
Michael A. Hall, President

STATE OF IDAHO        )  
                                  :SS.  
County of Ada         )

On this 21 day of November, in the year 2023, before me a Notary Public of said State, personally appeared Michael A. Hall, known or identified to me to be the President of SCS Investments, LLC, the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

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



*Shari Vaughan*  
Notary Public for Idaho  
My Commission Expires: 6-1-2024

GRANTOR:

BVB Ten Mile Crossing Annex, LLC  
an Idaho limited liability company

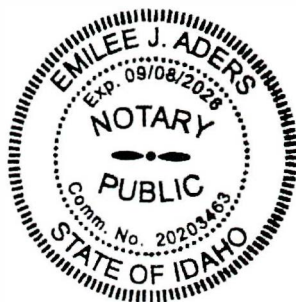
By: BV Management Services, Inc.  
An Idaho corporation,  
Manager

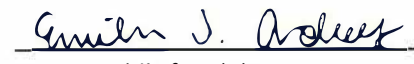
By:   
Tahri Molifua, Vice President of  
Real Estate Capital

STATE OF IDAHO            )  
  :SS.  
County of Bonneville        )

On this the 21<sup>st</sup> day of November, in the year 2023, before me a Notary Public of said State, personally appeared Tahri Molifua, known of identified to me to be the Vice President of Real Estate Capital of BV Management Services, Inc., which corporation is the Manager of BVB Ten Mile Crossing Annex, 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 written above.



  
Notary Public for Idaho  
My Commission Expires: 09/08/2026

GRANTEE: CITY OF MERIDIAN

\_\_\_\_\_  
Robert E. Simison, Mayor 12-5-2023

\_\_\_\_\_  
Attest by Chris Johnson, City Clerk 12-5-2023

STATE OF IDAHO, )  
                                  : ss.  
County of Ada        )

This record was acknowledged before me on \_\_\_\_\_ (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: \_\_\_\_\_

November 16, 2023  
Project No.: 22-006  
TM Center East Subdivision No. 1  
City of Meridian Water Easement  
Legal Description

**Exhibit "A"**

Parcels of land for a City of Meridian water easement being situated in a portion of the South 1/2 of the Northwest 1/4 of Section 14, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the West 1/4 corner of said Section 14, which bears N89°11'30"W a distance of 2,656.47 feet from an aluminum cap marking the Center 1/4 corner of said Section 14, thence following the southerly line of the Northwest 1/4 of said Section 14, S89°11'30"E a distance of 931.27 feet to the southwest corner of Proposed TM Center East Subdivision No. 1; Thence following said southerly line, S89°11'30"E a distance of 58.67 feet; Thence leaving said southerly line, N00°48'30"E a distance of 334.00 feet to **POINT OF BEGINNING 1.**

Thence N32°58'25"W a distance of 20.00 feet;  
Thence N57°01'35"E a distance of 58.73 feet;  
Thence N32°58'25"W a distance of 80.59 feet;  
Thence N70°40'56"W a distance of 22.03 feet;  
Thence N32°58'25"W a distance of 24.71 feet to the southeasterly right-of-way line of S. Wayfinder Ave.;  
Thence following said southeasterly right-of-way line, N53°49'00"E a distance of 36.54 feet to the westerly line of an existing City of Meridian Water Easement per Instrument No. 2023-029598 (records of Ada County, Idaho) and hereinafter referred to as POINT "A";  
Thence leaving said southeasterly right-of-way line and following said westerly line, S25°40'56"E a distance of 23.71 feet;  
Thence leaving said westerly line, S32°58'25"E a distance of 101.26 feet;  
Thence N57°01'35"E a distance of 33.27 feet;  
Thence S32°58'25"E a distance of 20.00 feet;  
Thence S57°01'35"W a distance of 112.00 feet to **POINT OF BEGINNING 1.**

Said parcel contains a total of 5,211 square feet, more or less.

**TOGETHER WITH:**

Commencing at a point previously referred to as POINT "A", thence following the southeasterly right-of-way line of S. Wayfinder Ave., N53°49'00"E a distance of 12.09 feet;  
Thence following said southeasterly right-of-way line, N02°58'25"E a distance of 13.32 feet;  
Thence following said southeasterly right-of-way line, 2.97 feet along the arc of a circular curve to the right, said curve having a radius of 260.00 feet, a delta angle of 00°39'14", a chord bearing of N65°42'45"E and a chord distance of 2.97 feet to **POINT OF BEGINNING 2.**

Thence following said southeasterly right-of-way line, 10.73 feet along the arc of a circular curve to the right, said curve having a radius of 260.00 feet, a delta angle of 02°21'54", a chord bearing of N67°13'19"E and a chord distance of 10.73 feet;

Thence leaving said southeasterly right-of-way line, S32°58'25"E a distance of 29.15 feet;

Thence S57°01'35"W a distance of 14.53 feet to the easterly line of an existing City of Meridian Water Easement per Instrument No. 2023-029598 (records of Ada County, Idaho);

Thence following said easterly line, N25°40'56"W a distance of 31.30 feet to **POINT OF BEGINNING 2.**

Said parcel contains a total of 380 square feet, more or less.

#### **TOGETHER WITH**

Commencing at an aluminum cap marking the West 1/4 corner of said Section 14, which bears N89°11'30"W a distance of 2,656.47 feet from an aluminum cap marking the Center 1/4 corner of said Section 14, thence following the southerly line of the Northwest 1/4 of said Section 14, S89°11'30"E a distance of 2,290.15 feet;

Thence leaving said southerly line, N00°48'30"E a distance of 636.96 feet to **POINT OF BEGINNING 3.**

Thence N00°48'30"E a distance of 68.54 feet;

Thence N89°11'30"W a distance of 101.52 feet;

Thence S00°48'30"W a distance of 2.50 feet;

Thence N89°11'30"W a distance of 20.00 feet;;

Thence N00°48'30"E a distance of 2.50 feet;

Thence N89°11'30"W a distance of 188.40 feet;

Thence N70°42'09"W a distance of 167.13 feet;

Thence N89°11'30"W a distance of 149.06 feet;

Thence S00°48'30"W a distance of 2.50 feet;

Thence N89°11'30"W a distance of 20.00 feet;

Thence N00°48'30"E a distance of 2.50 feet;

Thence N89°11'30"W a distance of 153.07 feet;

Thence 86.26 feet along the arc of a circular curve to the right, said curve having a radius of 120.00 feet, a delta angle of 41°11'16", a chord bearing of N68°35'52"W and a chord distance of 84.42 feet;

Thence 111.42 feet along the arc of a reverse curve to the left, said curve having a radius of 155.00 feet, a delta angle of 41°11'13", a chord bearing of N68°35'50"W and a chord distance of 109.04 feet;

Thence N89°11'27"W a distance of 32.15 feet to the easterly right-of-way line of S. Wayfinder Ave.;

Thence following said easterly right-of-way line, N08°37'46"W a distance of 20.27 feet;

Thence leaving said easterly right-of-way line, S89°11'27"E a distance of 35.47 feet;

Thence 125.80 feet along the arc of a circular curve to the right, said curve having a radius of 175.00 feet, a delta angle of 41°11'13", a chord bearing of S68°35'50"E and a chord distance of 123.11 feet;

Thence 71.89 feet along the arc of a reverse curve to the left, said curve having a radius of 100.00 feet, a delta angle of 41°11'16", a chord bearing of S68°35'52"E and a chord distance of 70.35 feet;

Thence S89°11'30"E a distance of 325.38 feet;

Thence S70°42'09"E a distance of 29.06 feet;

Thence N19°17'51"E a distance of 44.02 feet;

Thence S70°42'09"E a distance of 20.00 feet;

Thence S19°17'51"W a distance of 44.02 feet;

Thence S70°42'09"E a distance of 118.06 feet;



Thence S89°11'30"E a distance of 385.21 feet;  
Thence S00°48'30"W a distance of 20.00 feet;  
Thence N89°11'30"W a distance of 58.54 feet;  
Thence S00°48'30"W a distance of 68.54 feet;  
Thence N89°11'30"W a distance of 20.00 feet to **POINT OF BEGINNING 3.**

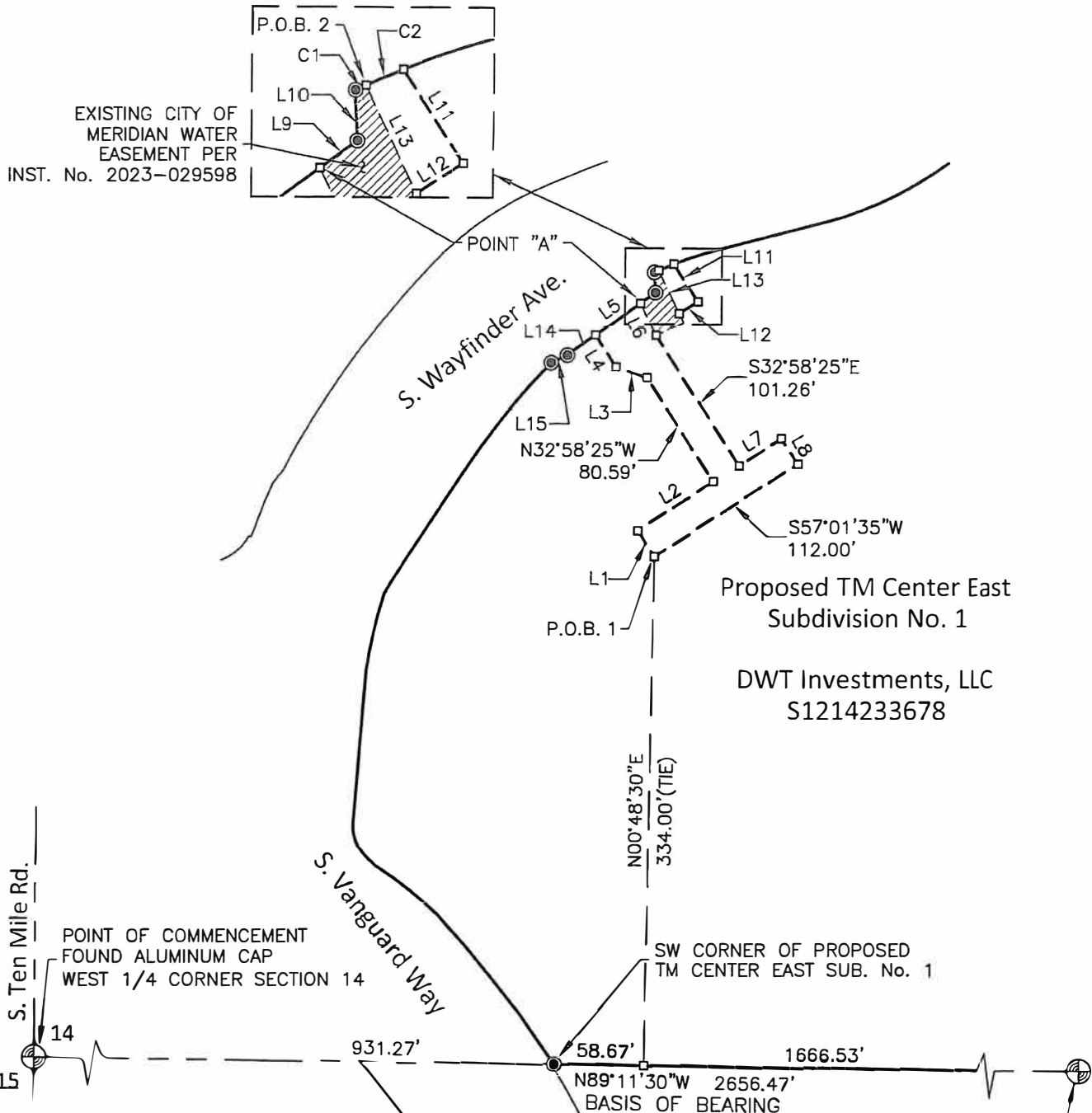
Said parcel contains a total of 24,532 square feet, more or less.

Said descriptions contain a total of 30,123 square feet (0.69 acres), more or less.

Attached hereto is Exhibit B and by this reference is made a part hereof.



P:\22-006\CAD\SURVEY\EXHIBITS\22-006 MERIDIAN WATER-SEWER EASEMENT DWT.DWG, AARON BALLARD, 11/16/2023, ESTUDIO907.PC3, \*\*\*\*\*



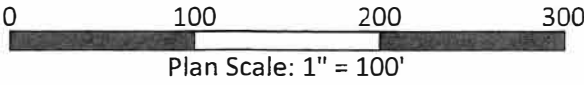
S. Ten Mile Rd.

POINT OF COMMENCEMENT  
FOUND ALUMINUM CAP  
WEST 1/4 CORNER SECTION 14

SW CORNER OF PROPOSED  
TM CENTER EAST SUB. No. 1

FOUND ALUMINUM CAP  
CENTER 1/4 CORNER SECTION 14

**km**  
ENGINEERING  
5725 N ORTH DISCOVERY WAY  
BOISE, IDAHO 83713  
PHONE (208) 639-6939  
kmengllp.com



### Exhibit B - City of Meridian Water Easement TM Center East Subdivision No. 1

DATE: November 2023  
PROJECT: 22-006  
SHEET:  
1 OF 3

A portion of the S 1/2 of the NW 1/4 of Section 14,  
T3N., R1W., B.M., City of Meridian, Ada County, Idaho

DWT Investments, LLC  
S1214233678

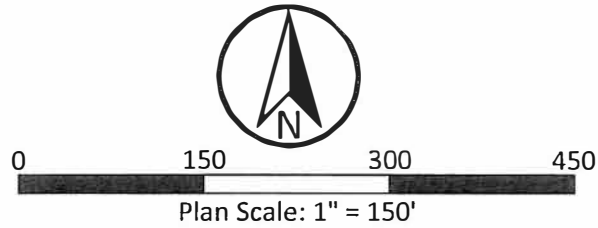
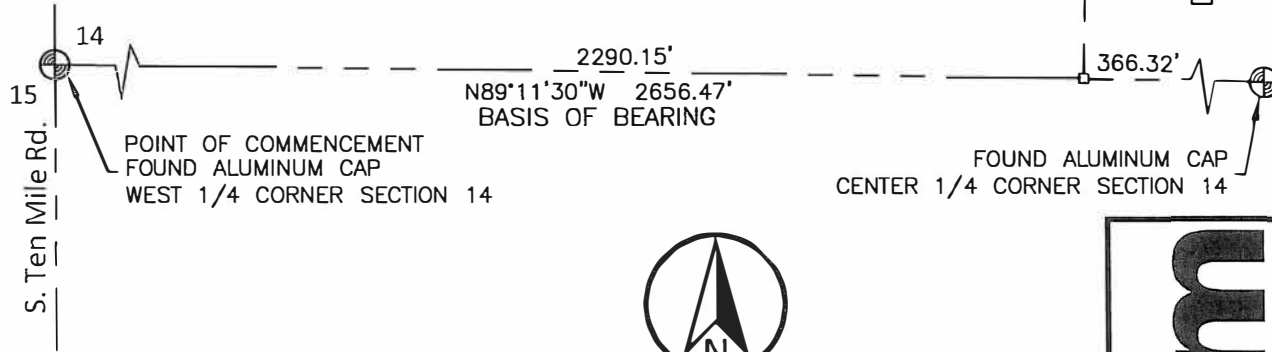
S. Wayfinder Ave.

Unplatted  
DWT Investments, LLC  
S1214244301

Proposed TM Center East  
Subdivision No. 1

Scheels All Sports Inc.  
S1214233677

Unplatted  
DWT Investments, LLC  
S1214244301



**km**  
ENGINEERING  
5725 NORTH DISCOVERY WAY  
BOISE, IDAHO 83713  
PHONE (208) 635-6939  
kmengllp.com

DATE: November 2023  
PROJECT: 22.006

SHEET: 2 OF 3

Exhibit B - City of Meridian Water Easement  
TM Center East Subdivision No. 1

A portion of the S 1/2 of the NW 1/4 of Section 14,  
T3N., R1W., B.M., City of Meridian, Ada County, Idaho

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| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L1         | N32°58'25"W | 20.00    |
| L2         | N57°01'35"E | 58.73    |
| L3         | N70°40'56"W | 22.03    |
| L4         | N32°58'25"W | 24.71    |
| L5         | N53°49'00"E | 36.54    |
| L6         | S25°40'56"E | 23.71    |
| L7         | N57°01'35"E | 33.27    |
| L8         | S32°58'25"E | 20.00    |
| L9         | N53°49'00"E | 12.09    |
| L10        | N02°58'25"W | 13.32    |
| L11        | S32°58'25"E | 29.15    |
| L12        | S57°01'35"W | 14.53    |
| L13        | N25°40'56"W | 31.30    |
| L14        | N53°49'00"E | 22.53    |
| L15        | N65°14'47"E | 11.67    |
| L16        | N00°48'30"E | 68.54    |

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE       | BEARING     | DISTANCE |
| L17        | N89°11'30"W | 101.52   |
| L18        | S00°48'30"W | 2.50     |
| L19        | N89°11'30"W | 20.00    |
| L20        | N00°48'30"E | 2.50     |
| L21        | N89°11'30"W | 149.06   |
| L22        | S00°48'30"W | 2.50     |
| L23        | N89°11'30"W | 20.00    |
| L24        | N00°48'30"E | 2.50     |
| L25        | N89°11'27"W | 32.15    |
| L26        | N08°37'46"W | 20.27    |
| L27        | S89°11'27"E | 35.47    |
| L28        | S70°42'09"E | 29.06    |
| L29        | S00°48'30"W | 20.00    |
| L30        | N89°11'30"W | 58.54    |
| L31        | S00°48'30"W | 68.54    |
| L32        | N89°11'30"W | 20.00    |

| CURVE TABLE |         |         |           |             |         |
|-------------|---------|---------|-----------|-------------|---------|
| CURVE       | RADIUS  | LENGTH  | DELTA     | CHORD BRG   | CHORD   |
| C1          | 260.00' | 2.97'   | 0°39'14"  | N65°42'45"E | 2.97'   |
| C2          | 260.00' | 10.73'  | 2°21'54"  | N67°13'19"E | 10.73'  |
| C3          | 120.00' | 86.26'  | 41°11'16" | N68°35'52"W | 84.42'  |
| C4          | 155.00' | 111.42' | 41°11'13" | N68°35'50"W | 109.04' |
| C5          | 175.00' | 125.80' | 41°11'13" | S68°35'50"E | 123.11' |
| C6          | 100.00' | 71.89'  | 41°11'16" | S68°35'52"E | 70.35'  |



DATE: No ve mbe 02 3  
 PROJECT: 22-006  
 SHEET:  
 3 OF 3

Exhibit B - City of Meridian Water Easement  
 TM Center East Subdivision No. 1

A portion of the S 1/2 of the NW 1/4 of Section 14,  
 T3N., R1W., B.M., City of Meridian, Ada County, Idaho