

Project Name (Subdivision):

S. Wayfinder Avenue Extension Sanitary

Sewer Easement Number: 1

ESMT-2023-0070

SANITARY SEWER EASEMENT

THIS Easement Agreement, made this 23rd day of May, 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 sanitary sewer right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the sanitary sewer 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 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 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 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

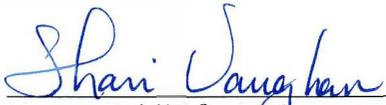
STATE OF IDAHO)
 :SS.
County of Ada)

On this the ^{25th} day of ~~March~~^{April}, 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.

Seal

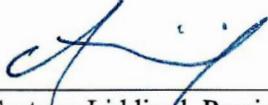



Notary Public for Idaho
My Commission Expires: 6-1-2024

GRANTOR:

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

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

By: 
Cortney Liddiard, President

STATE OF IDAHO)
 :SS.
County of Bonneville)

On this the 20th day of April, in the year 2023, before me a Notary Public of said State, personally appeared Cortney Liddiard, known or identified to me to be the President 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.

Seal




Notary Public for Idaho
My Commission Expires: 4-12-2026

GRANTOR:

SCS Investments LLC
an Idaho limited liability company

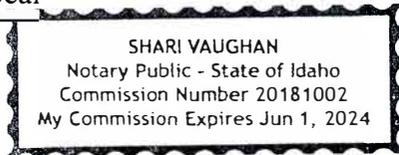
By: Michael A. Hall
Michael A. Hall, President

STATE OF IDAHO)
 :SS.
County of Ada)

On this 21st day of April ^{sr} ~~March~~, 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.

Seal



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

May 1, 2023
Project No. 19-172
S. Wayfinder Avenue Extension
City of Meridian Sewer Easement
Legal Description

Exhibit A

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

Commencing at an aluminum cap marking the Northwest corner of said Southwest 1/4 of the Northwest 1/4 (North 1/16 corner), which bears N89°10'27"W a distance of 1,328.61 feet from an aluminum cap marking the Northeast corner of said Southwest 1/4 of the Northwest 1/4 (Northwest 1/16 corner), thence following the northerly line of said Southwest 1/4 of the Northwest 1/4, S89°10'27"E a distance of 1,164.92 feet; Thence leaving said northerly line, S01°48'11"W a distance of 381.11 feet to **POINT OF BEGINNING 1.**

Thence S89°26'00"E a distance of 43.00 feet to the westerly right-of-way line of S. Wayfinder Ave. and being a point herein after referred to as POINT "A";

Thence following said westerly right-of-way line, S00°33'41"W a distance of 20.00 feet;

Thence leaving said westerly right-of-way line, N89°26'00"W a distance of 43.00 feet;

Thence N00°34'00"E a distance of 20.00 feet to **POINT OF BEGINNING 1.**

Said parcel contains 860 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "A", thence S89°26'00"E a distance of 77.00 feet to **POINT OF BEGINNING 2.**

Thence S89°26'00"E a distance of 40.00 feet;

Thence S00°34'00"W a distance of 20.00 feet;

Thence N89°26'00"W a distance of 40.00 feet to the easterly right-of-way line of S. Wayfinder Ave. and being a point herein after referred to as POINT "B";

Thence following said easterly right-of-way line, N00°33'41"E a distance of 20.00 feet to **POINT OF BEGINNING 2.**

Said parcel contains 800 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "B", thence S15°00'20"W a distance of 333.26 feet to **POINT OF BEGINNING 3.**

Thence S37°52'03"E a distance of 29.42 feet;

Thence S52°07'57"W a distance of 20.00 feet;

Thence N37°52'03"W a distance of 29.42 feet to the southeasterly right-of-way line of S. Wayfinder Ave. and being a point herein after referred to as POINT "C";
Thence following said southeasterly right-of-way line, 20.01 feet along the arc of a curve to the left, said curve having a radius of 240.00 feet, a delta angle of 04°46'34", a chord bearing of N52°07'57"E and a chord distance of 20.00 feet to **POINT OF BEGINNING 3.**

Said parcel contains 586 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "C", thence S69°20'10"W a distance of 220.53 feet to **POINT OF BEGINNING 4.**

Thence S26°03'34"E a distance of 46.19 feet;
Thence S63°56'26"W a distance of 20.00 feet;
Thence N26°03'34"W a distance of 44.52 feet to the southeasterly right-of-way line of S. Wayfinder Ave. and being a point herein after referred to as POINT "D";
Thence following said southeasterly right-of-way line, 20.07 feet along the arc of a curve to the right, said curve having a radius of 260.00 feet, a delta angle of 04°25'26", a chord bearing of N59°10'18"E and a chord distance of 20.07 feet to **POINT OF BEGINNING 4.**

Said parcel contains 910 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "D", thence N13°43'08"W a distance of 83.82 feet to the northwesterly right-of-way line of S. Wayfinder Ave. and being **POINT OF BEGINNING 5.**

Thence following said northwesterly right-of-way line, S67°52'34"W a distance of 18.36 feet;
Thence following said northwesterly right-of-way line, 1.83 feet along the arc of a curve to the left, said curve having a radius of 213.50 feet, a delta angle of 00°29'32", a chord bearing of S67°37'48"W and a chord distance of 1.83 feet to a point herein after referred to as POINT "E";
Thence leaving said northwesterly right-of-way line, N30°01'42"W a distance of 33.16 feet;
Thence N59°58'18"E a distance of 20.00 feet;
Thence S30°01'42"E a distance of 35.93 feet to **POINT OF BEGINNING 5.**

Said parcel contains 691 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "E", thence S16°56'13"W a distance of 169.53 feet to **POINT OF BEGINNING 6.**

Thence S20°12'49"E a distance of 10.02 feet;
Thence 28.60 feet along the arc of a curve to the right, said curve having a radius of 32.00 feet, a delta angle of 51°12'22", a chord bearing of S05°23'22"W and a chord distance of 27.66 feet;
Thence S30°59'33"W a distance of 35.63 feet;
Thence S13°41'58"W a distance of 8.41 feet;
Thence S08°01'16"W a distance of 175.95 feet;

Thence S43°38'45"E a distance of 213.49 feet;
Thence S01°24'53"W a distance of 8.99 feet to the subdivision boundary of TM Crossing Subdivision (Book 112 of Plats at Pages 16,327 through 16,330, records of Ada County, Idaho) and the southerly line of said Southwest 1/4 of the Northwest 1/4;
Thence following said subdivision boundary and said southerly line, N89°11'30"W a distance of 23.03 feet;
Thence leaving said subdivision boundary and said southerly line, N21°55'29"W a distance of 7.57 feet;
Thence N43°38'45"W a distance of 206.36 feet;
Thence N08°01'16"E a distance of 177.60 feet;
Thence N72°54'28"W a distance of 5.85 feet to the southeasterly right-of-way line of S. Wayfinder Ave. and being a point herein after referred to as POINT "F";
Thence following said southeasterly right-of-way line the following three (3) courses:
1. N27°57'21"E a distance of 3.41 feet;
2. 40.50 feet along the arc of a curve to the right, said curve having a radius of 310.50 feet, a delta angle of 07°28'23", a chord bearing of N26°44'16"E and a chord distance of 40.47 feet;
3. 47.78 feet along the arc of a compound curve to the right, said curve having a radius of 491.62 feet, a delta angle of 05°34'05", a chord bearing of N33°15'29"E and a chord distance of 47.76 feet to **POINT OF BEGINNING 6.**

Said parcel contains 9,553 square feet, more or less.

TOGETHER WITH:

Commencing at a point previously referred to as POINT "F", thence N72°54'28"W a distance of 94.17 feet to **POINT OF BEGINNING 7.**

Thence N72°54'28"W a distance of 30.62 feet;
Thence N17°05'32"E a distance of 20.00 feet;
Thence S72°54'28"E a distance of 32.82 feet to the northwesterly right-of-way line of S. Wayfinder Ave.;;
Thence following said northwesterly right-of-way line, 20.13 feet along the arc of a curve to the left, said curve having a radius of 245.50 feet, a delta angle of 04°41'49", a chord bearing of S23°21'42"W and a chord distance of 20.12 feet to **POINT OF BEGINNING 7.**

Said parcel contains 632 square feet, more or less.

Said description contains a total of 14,032 square feet (0.322 acres), more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



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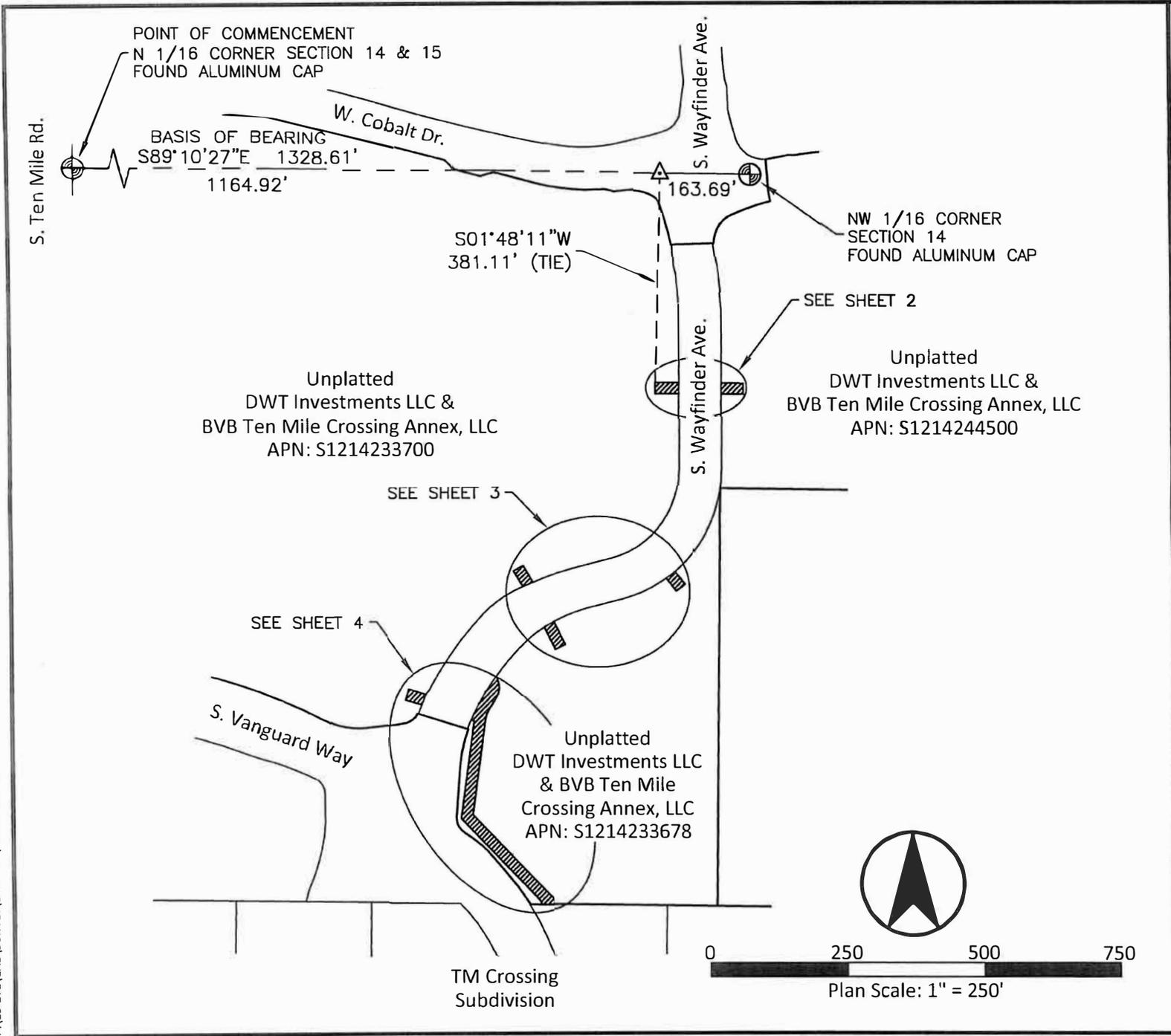


Exhibit B
S. Wayfinder Avenue Extension

City of Meridian Sewer Easement

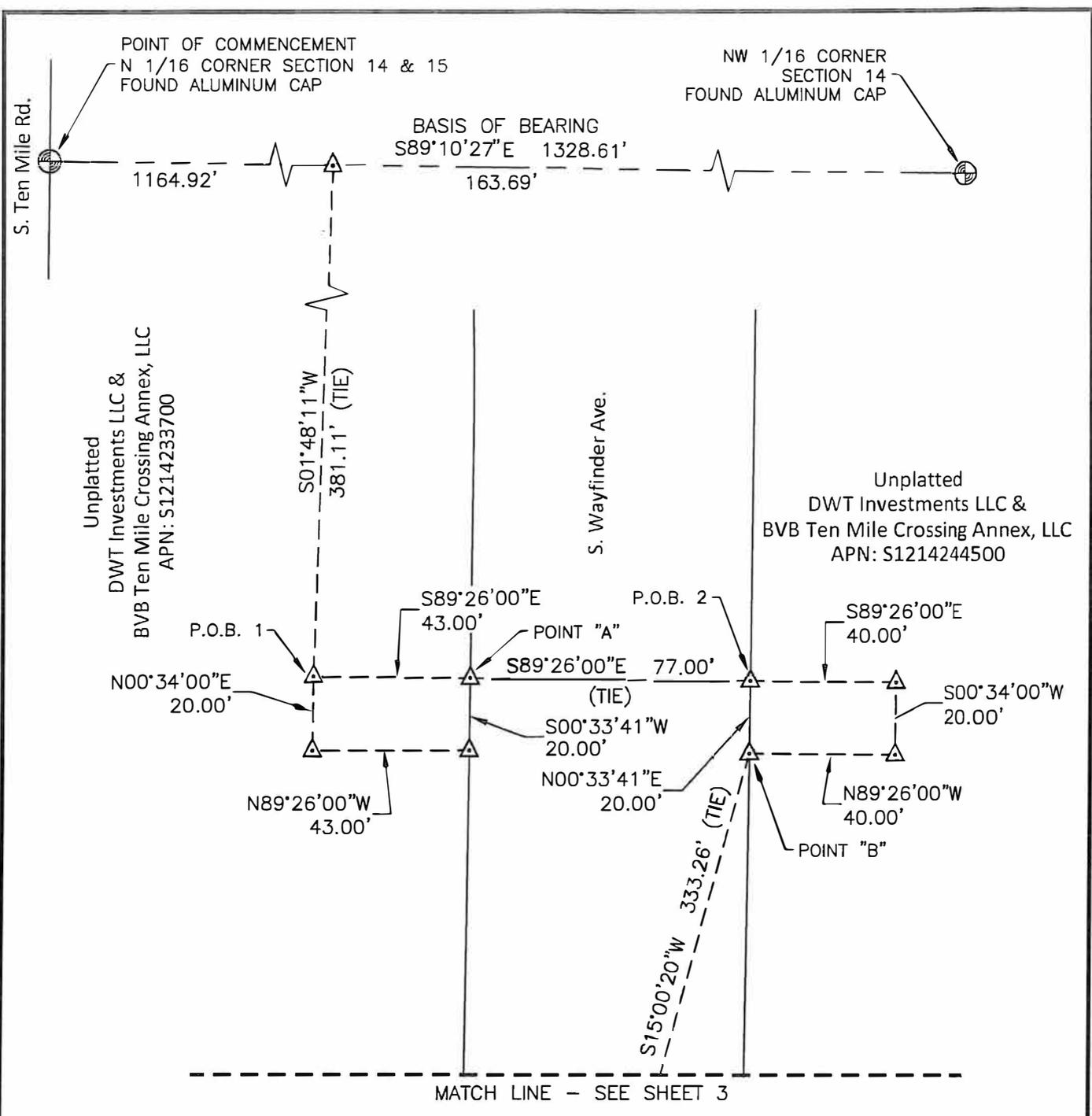
SW 1/4 NW 1/4 Sec. 14, T3N., R1W., B.M., City of Meridian, Ada County, Idaho

DATE: May 2023
PROJECT: 19-172

SHEET:
1 OF 4

km
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BOISE, IDAHO 83714
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kmengllp.com

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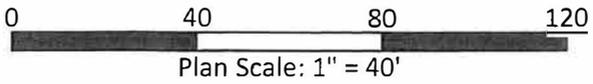


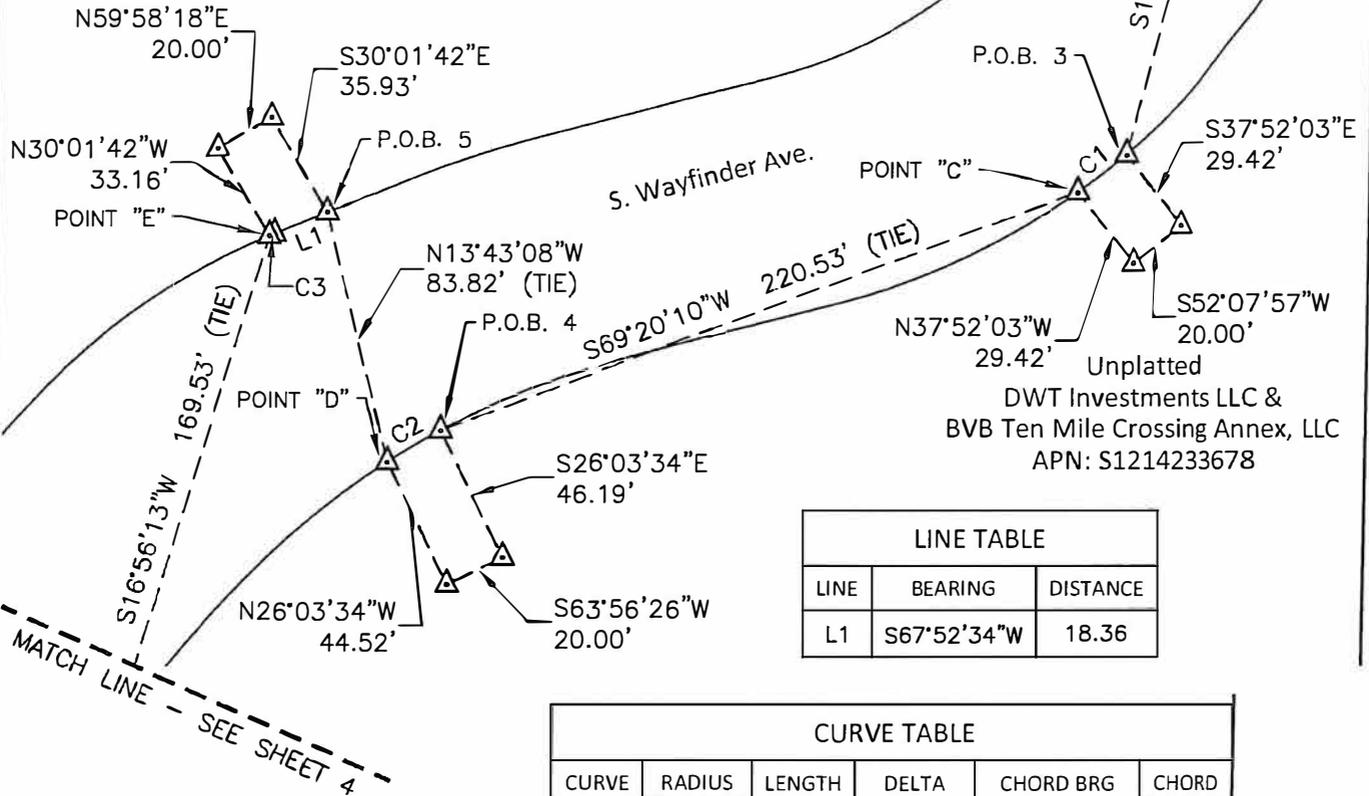
Exhibit B
S. Wayfinder Avenue Extension

City of Meridian Sewer Easement
SW 1/4 NW 1/4 Sec. 14, T3N., R1W., B.M., City of Meridian, Ada County, Idaho

DATE:	May 2023
PROJECT:	19-172
SHEET:	2 OF 4

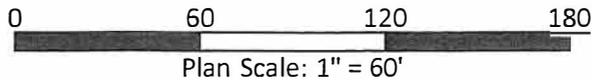
MATCH LINE - SEE SHEET 2

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DWT Investments LLC &
BVB Ten Mile Crossing Annex, LLC
APN: S1214233700



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S67°52'34"W	18.36

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	240.00'	20.01'	4°46'34"	N52°07'57"E	20.00'
C2	260.00'	20.07'	4°25'26"	N59°10'18"E	20.07'
C3	213.50'	1.83'	0°29'32"	S67°37'48"W	1.83'



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DATE: May 2023
PROJECT: 19-172
SHEET: 3 OF 4

Exhibit B
S. Wayfinder Avenue Extension

City of Meridian Sewer Easement
SW 1/4 NW 1/4 Sec. 14, T3N., R1W., B.M., City of Meridian, Ada County, Idaho

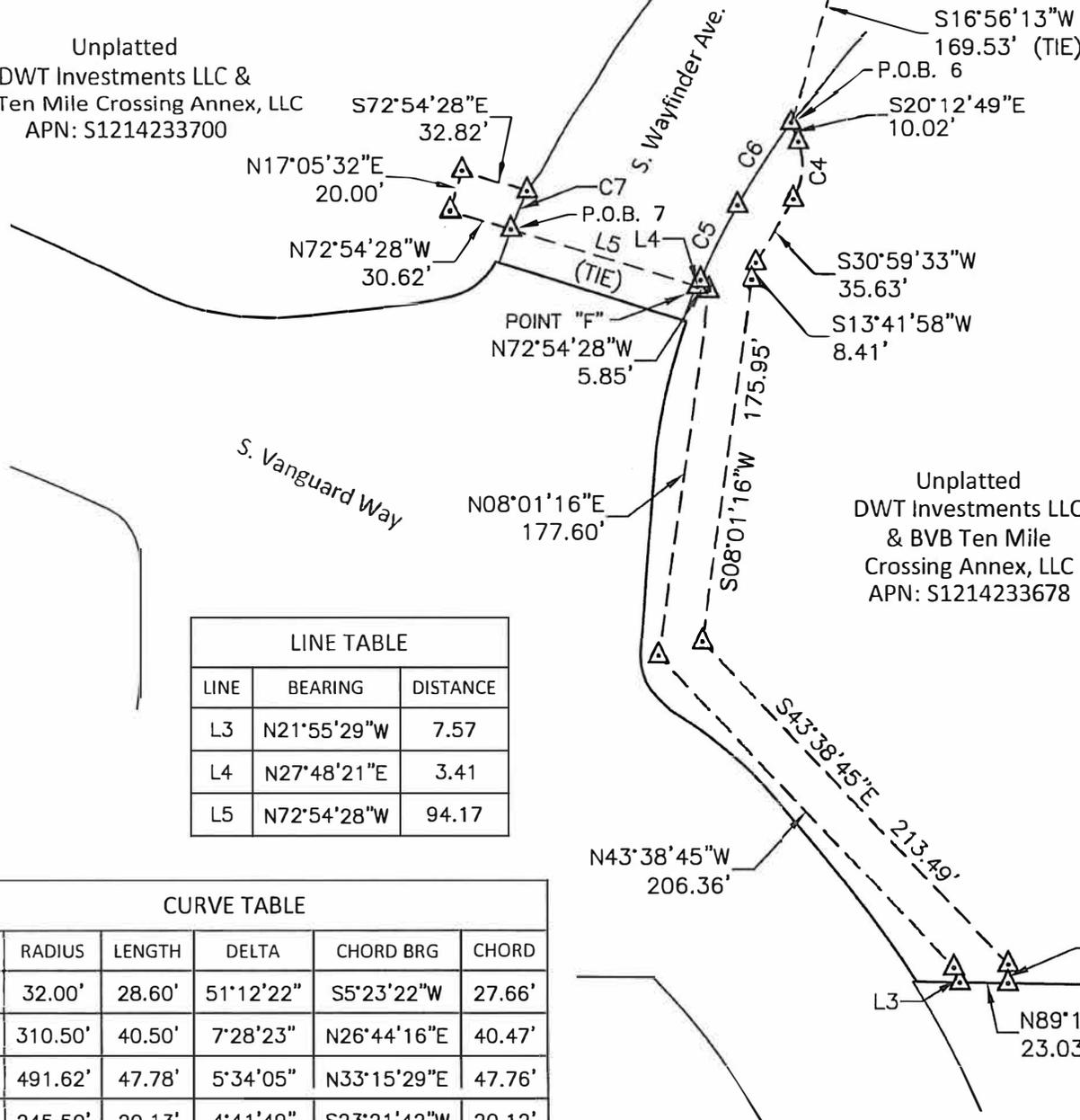
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DWT Investments LLC &
BVB Ten Mile Crossing Annex, LLC
APN: S1214233700

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DWT Investments LLC
& BVB Ten Mile
Crossing Annex, LLC
APN: S1214233678

MATCH LINE - SEE SHEET 3



LINE TABLE		
LINE	BEARING	DISTANCE
L3	N21°55'29"W	7.57
L4	N27°48'21"E	3.41
L5	N72°54'28"W	94.17

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C4	32.00'	28.60'	51°12'22"	S5°23'22"W	27.66'
C5	310.50'	40.50'	7°28'23"	N26°44'16"E	40.47'
C6	491.62'	47.78'	5°34'05"	N33°15'29"E	47.76'
C7	245.50'	20.13'	4°41'49"	S23°21'42"W	20.12'

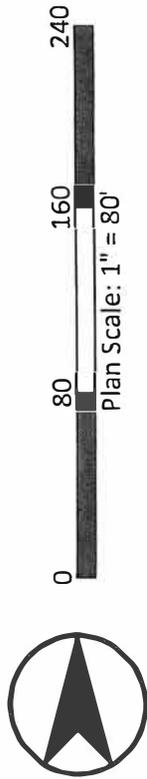


Exhibit B
S. Wayfinder Avenue Extension

City of Meridian Sewer Easement

SW 1/4 NW 1/4 Sec. 14, T3N., R1W., B.M., City of Meridian, Ada County, Idaho

DATE:	May 2023
PROJECT:	19-172
SHEET:	4 OF 4

9233 WEST STATE STREET
BOISE, IDAHO 83714
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TM Crossing
Subdivision