

ESMT-2022-0237 Settlers Park Subdivision
Sanitary Sewer and Water Main Easement No. 1

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 4th day of October 20 22 between
Alturas Ustick, LLC and Brighton Ustick, 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-of-way 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 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]

GRANTORS:

ALTURAS USTICK, LLC,
an Idaho limited liability company

By: _____

Travis Barney, Manager

STATE OF IDAHO)
 :SS.
County of Ada)

On this the 1st day of September, in the year 2022, before me a Notary Public of said State, personally appeared Travis Barney, known or identified to me to be the Manager of Alturas Ustick, LLC, the limited liability company 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 WIRNESS 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: 05/23/2023

GRANTOR:

BRIGHTON USTICK, LLC,
an Idaho limited liability company

By: _____

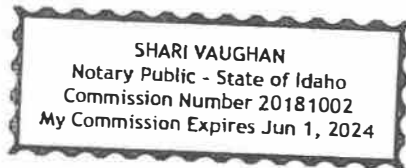
Robert L. Phillips, Manager

STATE OF IDAHO)
 :SS.
County of Ada)

On this the 2nd day of September, in the year 2022, before me a Notary Public of said State, personally appeared Robert L. Phillips, known or identified to me to be the Manager of Brighton Ustick, LLC, the limited liability company 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 WIRNESS 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

GRANTEE: CITY OF MERIDIAN

Robert E. Simison, Mayor 10-4-2022

Attest by Chris Johnson, City Clerk 10-4-2022

STATE OF IDAHO,)

: ss.

County of Ada)

This record was acknowledged before me on 10-4-2022 (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: 3-28-2028



IDAHO
SURVEY
GROUP

9955 W Emerald St
Boise, ID 83704

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

EXHIBIT A

**Settlers Park Subdivision
Parcel A
City of Meridian Utility Easement
Boundary Description
Project Number 22-221 August 31, 2022**

An easement situated in Parcel A of Record of Survey 13511, records of Ada County, Idaho, in the southeast quarter of the southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at a brass cap marking the southwest corner of Section 36, Township 4 North, Range 1 West, Boise Meridian;

Thence S89°09'46"E, 2078.70 feet along the south line of Section 36;

Thence N00°50'14"E, 232.66 feet, more or less, to the southerly boundary of Parcel A, the POINT OF BEGINNING:

Thence N00°03'00"W, 94.70 feet;

Thence N90°00'00"E, 30.00 feet;

Thence S00°03'00"E, 48.20 feet;

Thence S89°59'58"E, 35.50 feet;

Thence N66°50'04"E, 126.28 feet;

Thence S89°59'58"E, 245.34 feet;

Thence N00°00'16"E, 29.82 feet;

Thence S89°59'44"E, 20.00 feet;

Thence S00°00'16"W, 29.82 feet;

Thence S89°59'58"E, 104.50 feet to the west right-of-way line of N. Venable Lane;

Thence S00°00'16"W, 20.00 feet on the west right-of-way line of N. Venable Lane;

Thence N89°59'58"W, 104.50 feet;

Thence S00°00'16"W, 26.18 feet;

Thence N89°59'58"W, 20.00 feet;

Thence N00°00'16"E, 26.18 feet;

Thence N89°59'58"W, 241.24 feet;

Thence S66°50'04"W, 126.28 feet;

Thence N89°59'58"W, 39.58 feet;





IDAHO
SURVEY
GROUP

9955 W Emerald St
Boise, ID 83704

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

City of Meridian Utility Easement Parcel A continued...

Thence S00°03'00"E, 26.50 feet, more or less, to the southerly boundary of Parcel A;

Thence N89°59'58"W, 30.00 feet along the southerly boundary of Parcel A to the POINT
OF BEGINNING.

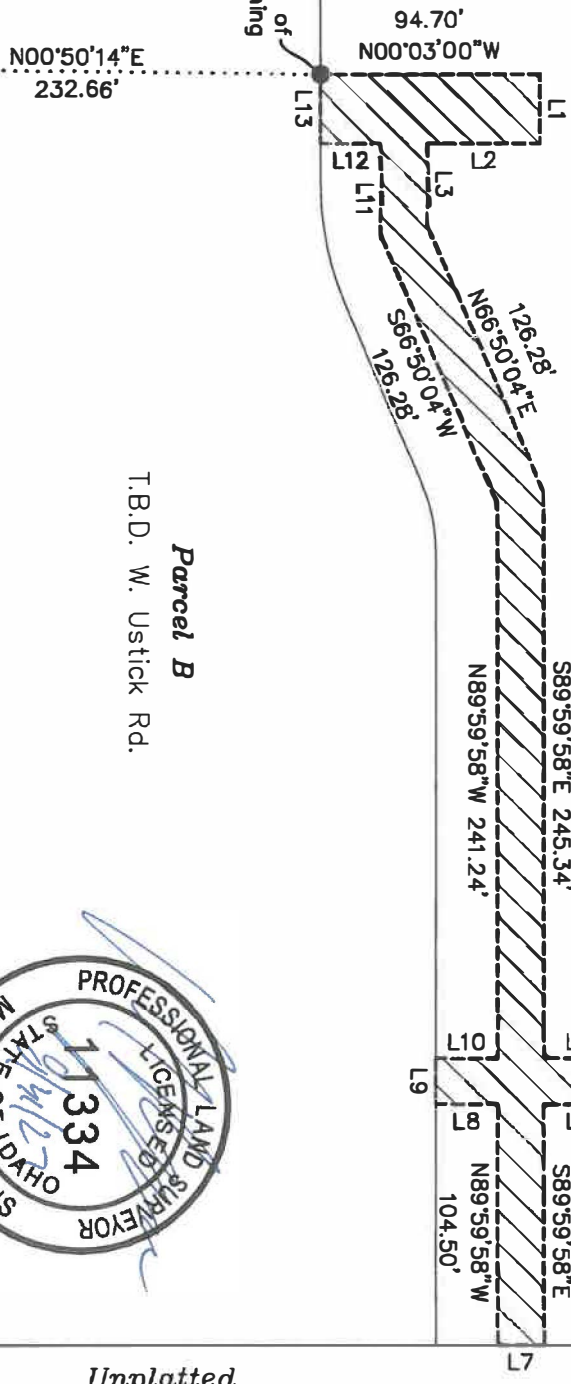
The above-described easement contains 0.34 acres, more or less.



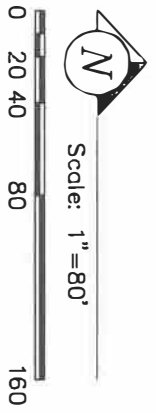
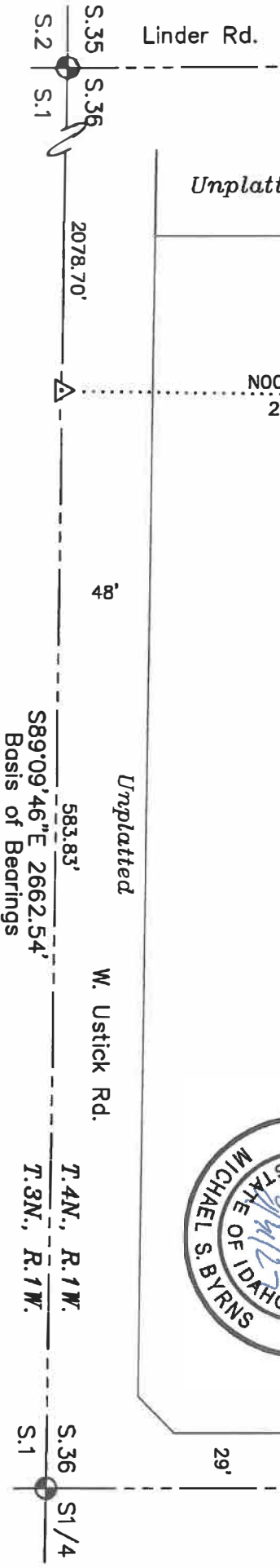
Parcel A
870 W. Ustick Rd.

Woodburn West
Subdivision No. 2

Point of
Beginning



Parcel B
T.B.D. W. Ustick Rd.



IDAHO SURVEY GROUP, LLC 885 W. EMERALD ST. BOISE, IDAHO 83704 (208) 846-6570		Exhibit B Drawing for Settlers Park Subdivision Parcel A City of Meridian Utility Easement		Job No. 22-299
Situated in the SE1/4 of the SW1/4 of Section 36, T.4N., R.1W., B.M., City of Meridian, Ada County, Idaho.		Sheet No. 1 of 2		Dwg. Date 8/31/2022

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Line Table		
Line	Bearing	Length
L1	N90°00'00"E	30.00'
L2	S00°03'00"E	48.20'
L3	S89°59'58"E	35.50'
L4	N00°00'16"E	29.82'
L5	S89°59'44"E	20.00'
L6	S00°00'16"W	29.82'
L7	S00°00'16"W	20.00'

Line Table		
Line	Bearing	Length
L8	S00°00'16"W	26.18'
L9	N89°59'58"W	20.00'
L10	N00°00'16"E	26.18'
L11	N89°59'58"W	39.58'
L12	S00°03'00"E	26.50'
L13	N89°59'58"W	30.00'



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 IDAHO SURVEY GROUP, LLC 8855 W. EMERALD ST. BOISE, IDAHO 83704 (208) 946-8570	Exhibit <u>B</u> Drawing for Settlers Park Subdivision Parcel A City of Meridian Utility Easement Situated in the SE1/4 of the SW1/4 of Section 36, T.4N., R.1W., B.M., City of Meridian, Ada County, Idaho.		Job No. 22-299
	Dwg. Date 8/31/2022	Sheet No. 2 of 2	