

Project Name: Ustick Rd, Black Cat Rd to Ten Mile Rd
Project: 522025.001
Name: City of Meridian; City of Meridian, a Municipal Corporation; City of Meridian, an Idaho municipal
R/W Parcel No: 23,41
3N1W4
APN: S0434438850, R2391290350

(Reserved for Ada County Recorder)

PERMANENT EASEMENT

This PERMANENT EASEMENT (the "Easement"), is made and entered into this ____ day of _____, 20____, by and between, **City of Meridian; City of Meridian, a Municipal Corporation; City of Meridian, an Idaho municipal**, hereinafter referred to as "GRANTOR," and **ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho**, hereinafter referred to as "ACHD."

WITNESSETH:

FOR GOOD AND SUFFICIENT CONSIDERATION, IT IS AGREED:

SECTION 1. Recitals.

1.1 GRANTOR owns the real property located in Ada County, Idaho more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein (hereinafter "Servient Estate").

1.2 ACHD has jurisdiction over the public highways, including sidewalks, and public rights-of-way which adjoin and are adjacent to the Servient Estate (hereinafter the "Dominant Estate").

1.3 ACHD desires to obtain an easement on, over and across the Servient Estate for the purposes hereinafter described, and, for the consideration and on the terms and conditions hereinafter set forth, GRANTOR is willing to grant such easement to ACHD.

SECTION 2. Grant of Easement and Authorized Uses.

GRANTOR hereby grants to ACHD a permanent exclusive easement over and across the Servient Estate for use by the public, including pedestrians and bicyclists, and the following uses and purposes:

(a) placement of a Public Right-of-Way (as defined in Idaho Code, section 40-117);

(b) construction, reconstruction, operation, maintenance and placement of necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, grade separation structures, roadside improvements, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of an adjacent Highway;

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.

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(c) statutory rights of ACHD, utilities and irrigation districts to use the Public Right-of-Way.

SECTION 3. Permanent Easement; Covenants Run with the Land.

This is a permanent easement. This Easement, and the covenants contained herein shall be a burden upon the Servient Estate and shall run with the land. The Easement and the covenants and agreements made herein shall inure to the benefit of and be binding upon, ACHD and GRANTOR, and Grantor's successors and assigns to the Servient Estate.

SECTION 4. Appurtenant.

The Easement herein granted is appurtenant to the Dominant Estate and a burden on the Servient Estate.

SECTION 5. Maintenance.

ACHD shall maintain the physical integrity of any facilities constructed by ACHD on the Servient Estate in good condition and repair and as required to satisfy all requirements of applicable laws, the policies of ACHD and sound engineering practices. The repair and maintenance of such facilities shall be at the sole cost and expense of ACHD; provided if the damage to such facilities is as a result of the activities of GRANTOR, GRANTOR'S guests, invitees, contractors or agents, the repair shall be at the sole cost and expense of GRANTOR. This Section shall not release GRANTOR'S obligation to provide routine maintenance required under any applicable state or local law, ordinance, or regulation as to any pedestrian facilities that may be placed on the Servient Estate.

SECTION 6. Indemnification.

ACHD shall, subject to the limitations hereinafter set forth, indemnify, save harmless and defend regardless of outcome GRANTOR from expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees caused by or arising out of any negligent acts by the ACHD or the ACHD's officers, agents and employees while acting within the course and scope of their employment, which arise from or which are in any way out of ACHD's construction, use and maintenance on the Servient Estate. Any such indemnification hereunder by the ACHD is subject to the limitations of the Idaho Tort Claims Act (currently codified at chapter 9, title 6, Idaho Code). Such indemnification hereunder by the ACHD shall in no event cause the liability of the ACHD for any such negligent act to exceed the amount of loss, damages, or expenses of attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses, or attorney fees attributable to the negligence of GRANTOR.

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.

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SECTION 7. Recordation.

This Easement shall be recorded in the Official Real Property Records of Ada County, Idaho.

TO HAVE AND TO HOLD this Easement unto the ACHD forever.

GRANTOR covenants to ACHD that ACHD shall enjoy the quiet and peaceful possession of the Servient Estate; and, GRANTOR warrants to ACHD that GRANTOR is lawfully seized and possessed of the Servient Estate and has the right and authority to grant this Easement to ACHD.

IN WITNESS WHEREOF, the undersigned have caused this Easement to be executed the day, month and year first set forth above.

**GRANTOR: City of Meridian; City of Meridian, a
Municipal Corporation; City of Meridian, an Idaho
municipal**

By:
Its:

By:
Its:

State of IDAHO)
) ss.
County of ADA)

This record was acknowledged before me on this _____ day of _____, 202__, by
_____ as _____ (trustee, Member, Officer, President,
Etc.) of **City of Meridian, an Idaho municipal**

(SEAL)

Signature of Notary Public
My commission expires: _____

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.

Exhibit "A"

Ada County Highway District
Project No. 522025 & 322024
Ustick Rd, Ten Mile to Black Cat

• Parcel 4 •

Permanent Easement Description

An easement located in the NE 1/4 of the NE 1/4 of Section 4, Township 3 North, Range 1 West, Boise Meridian, and being a part of Lot 17 of Block 1 of *TRICIA'S SUBDIVISION NO. 4* as shown in Book 87 of plats at Pages 9835-9837 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at an aluminum cap monument marking the northeasterly corner of said NE 1/4 of the NE 1/4, from which an aluminum cap monument marking the northwesterly corner of the NE 1/4 of said Section 4 bears N 89°18'48" W a distance of 2638.44 feet;

Thence N 89°18'48" W along the northerly boundary of said NE 1/4 of the NE 1/4 a distance of 290.31 feet to a point;

Thence leaving said northerly boundary S 0°37'58" W along an extension of the easterly boundary of said Lot 17 a distance of 48.00 feet to a point marking the northeasterly corner of said Lot 17, said point being the POINT OF BEGINNING;

Thence continuing S 0°37'58" W along the easterly boundary of said Lot 17 a distance of 5.50 feet to a point;

Thence leaving said easterly boundary N 89°18'48" W a distance of 108.96 feet to a point;

Thence N 0°41'13" E a distance of 5.50 feet to a point on the northerly boundary of said Lot 17;

Thence S 89°18'48" E along said northerly boundary a distance of 108.96 feet to the POINT OF BEGINNING.

This parcel contains 599 square feet (0.014 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
September 20, 2023

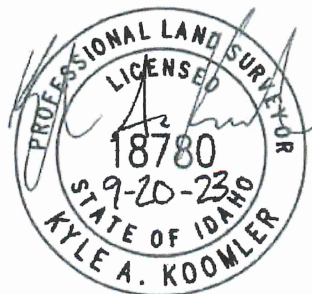
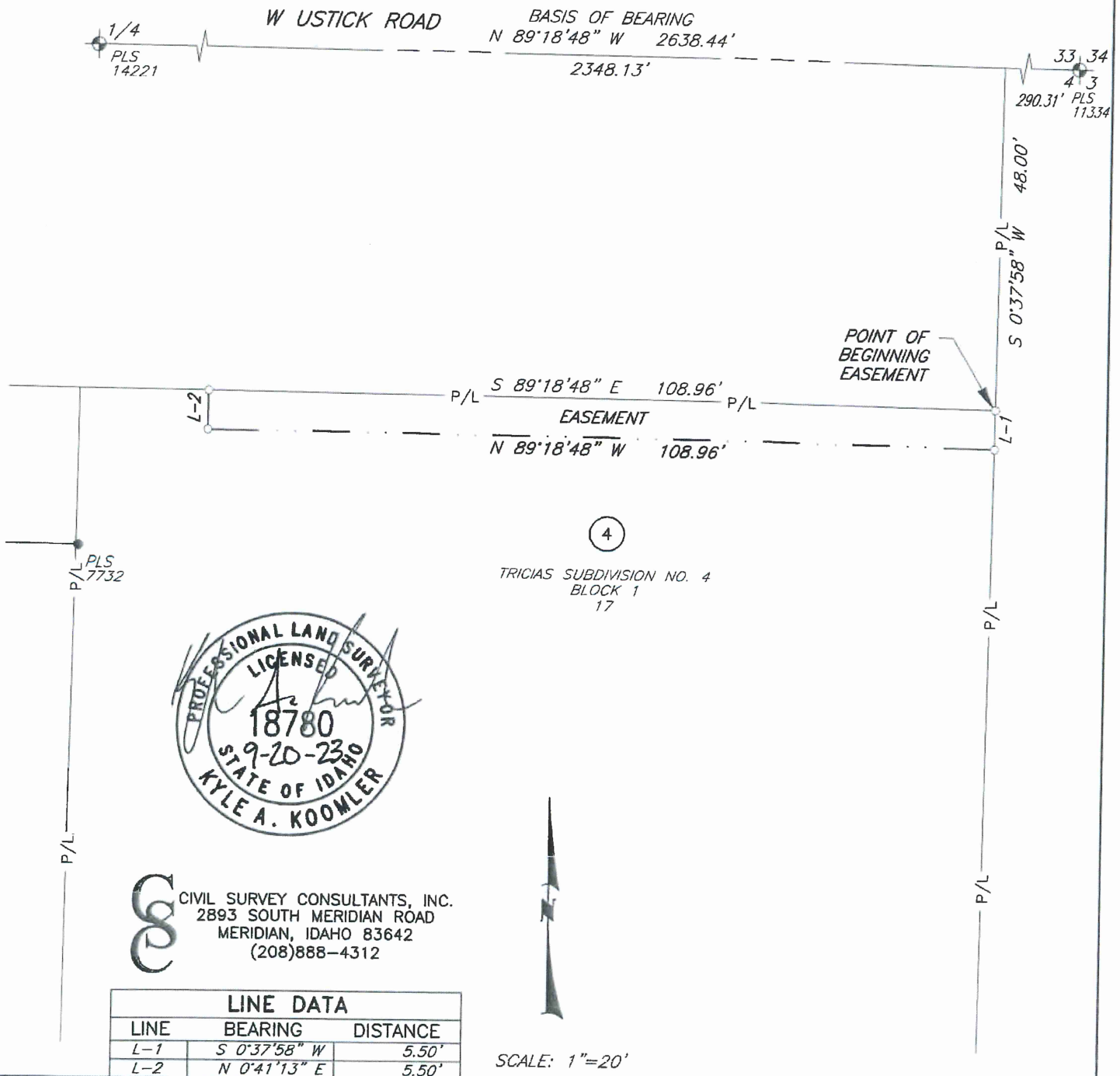


Exhibit "A"

SKETCH TO ACCOMPANY DESCRIPTIONS FOR ACHD
LOCATED IN THE NE 1/4 OF THE NE 1/4 OF
SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, ADA COUNTY, IDAHO



Ada County Highway District
Project No. 522025 & 322024
Ustick Rd, Ten Mile to Black Cat

• Parcel 23 •

Right-of-Way Requirement Description

A parcel located in the SW 1/4 of the SE 1/4 of Section 34, Township 4 North, Range 1 West, Boise Meridian, and being a part of *PARCEL B* as shown on Record of Survey No. 6018 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap monument marking the southwesterly corner of said SW 1/4 of the SE 1/4, from which a brass cap monument marking the southeasterly corner of the SE 1/4 of said Section 34 bears S 89°07'06" E a distance of 2640.74 feet;

Thence S 89°07'06" E along the southerly boundary of said SW 1/4 of the SE 1/4 a distance of 825.45 feet to a point marking the southwesterly corner of said *PARCEL B*, said point being the POINT OF BEGINNING;

Thence continuing S 89°07'06" E along the southerly boundaries of said SW 1/4 of the SE 1/4 and said *PARCEL B* a distance of 444.66 feet to a point marking the southeasterly corner of said *PARCEL B*;

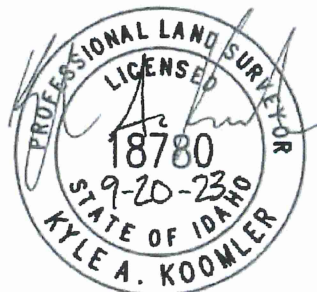
Thence leaving said southerly boundaries N 0°09'44" W along the easterly boundary of said *PARCEL B* a distance of 48.01 feet to a point;

Thence leaving said easterly boundary N 89°07'06" W a distance of 443.85 feet to a point on the westerly boundary of said *PARCEL B*;

Thence S 0°48'35" W along said westerly boundary a distance of 48.00 feet to the POINT OF BEGINNING.

This parcel contains 21,324 square feet (0.490 acres) and is subject to any easements existing or in use. Said parcel contains 11,111 square feet (0.255 acres) of W. Ustick Road prescriptive right-of-way.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
September 20, 2023



Ada County Highway District
Project No. 522025 & 322024
Ustick Rd, Ten Mile to Black Cat

• Parcel 23 •
Permanent Easement Description

An easement located in the SW 1/4 of the SE 1/4 of Section 34, Township 4 North, Range 1 West, Boise Meridian, and being a part of *PARCEL B* as shown on Record of Survey No. 6018 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap monument marking the southwesterly corner of said SW 1/4 of the SE 1/4, from which a brass cap monument marking the southeasterly corner of the SE 1/4 of said Section 34 bears S 89°07'06" E a distance of 2640.74 feet;

Thence S 89°07'06" E along the southerly boundary of said SW 1/4 of the SE 1/4 a distance of 825.45 feet to a point marking the southwesterly corner of said *PARCEL B*;

Thence leaving said southerly boundaries and along the westerly boundary of said *PARCEL B* the following described courses:

Thence N 0°48'35" E a distance of 48.00 feet to the POINT OF BEGINNING;

Thence continuing N 0°48'35" E a distance of 8.00 feet to a point;

Thence leaving said westerly boundary S 89°07'06" E a distance of 443.71 feet to a point on the easterly boundary of said *PARCEL B*;

Thence S 0°09'44" E along said easterly boundary a distance of 8.00 feet to a point;

Thence leaving said easterly boundary N 89°07'06" W a distance of 443.85 feet to the POINT OF BEGINNING.

This parcel contains 3,550 square feet (0.082 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
September 20, 2023

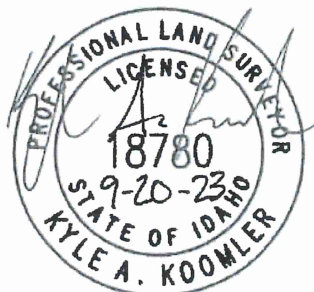
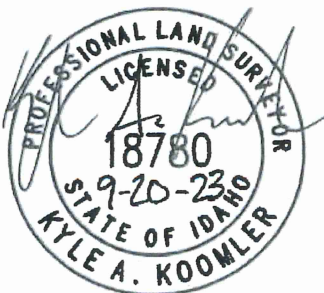
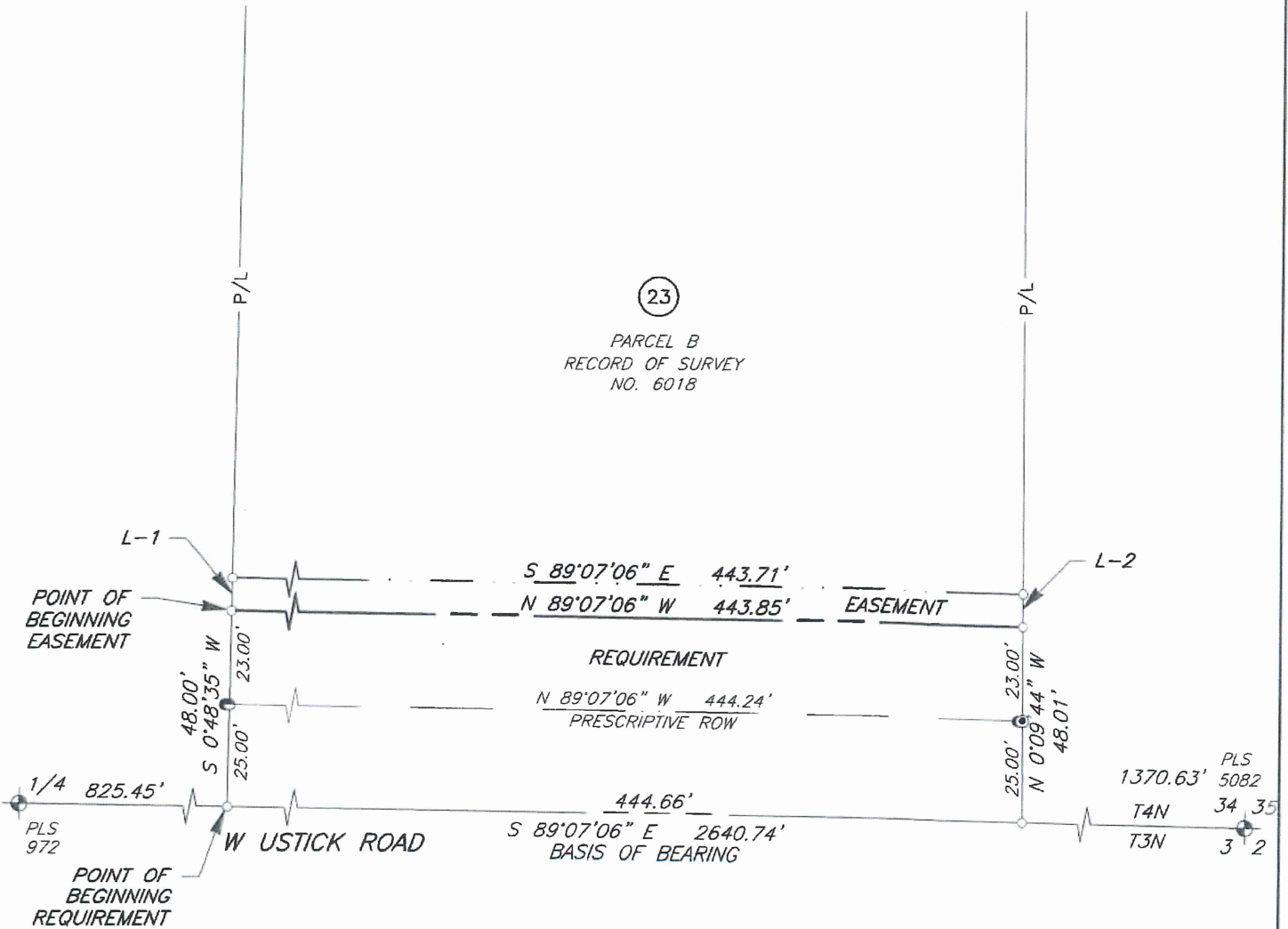


Exhibit "A"

SKETCH TO ACCOMPANY DESCRIPTIONS FOR ACHD
LOCATED IN THE SW 1/4 OF THE SE 1/4 OF
SECTION 34, TOWNSHIP 4 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, ADA COUNTY, IDAHO



CIVIL SURVEY CONSULTANTS, INC.
2893 SOUTH MERIDIAN ROAD
MERIDIAN, IDAHO 83642
(208)888-4312

SCALE: 1"=40'

LINE DATA		
LINE	BEARING	DISTANCE
L-1	N 0°48'35" E	8.00'
L-2	S 0°09'44" E	8.00'

Ada County Highway District
Project No. 522025 & 322024
Ustick Rd, Ten Mile to Black Cat

• Parcel 41 •

Right-of-Way Requirement Description

A parcel located in the NE 1/4 of the NE 1/4 of Section 3, Township 3 North, Range 1 West, Boise Meridian, and being a part of Lot 1 of Block 5 of *ENGLEWOOD CREEK ESTATES SUBDIVISION NO. 1* as shown in Book 73 of plats at Pages 7488-7490 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a brass cap monument marking the northeasterly corner of said NE 1/4 of the NE 1/4, from which a brass cap monument marking the northwesterly corner of the NE 1/4 of said Section 3 bears N 89°07'06" W a distance of 2640.74 feet;

Thence N 89°07'06" W along the northerly boundary of said NE 1/4 of the NE 1/4 a distance of 366.58 feet to a point;

Thence leaving said northerly boundary S 0°52'54" W a distance of 45.00 feet to a point on the northerly boundary of said Lot 1, said point being the POINT OF BEGINNING;

Thence S 89°07'06" E along said northerly boundary a distance of 3.74 feet to a point;

Thence leaving said northerly boundary S 64°17'59" W a distance of 9.00 feet to a point;

Thence S 0°18'43" W a distance of 10.67 feet to a point;

Thence S 67°34'37" W a distance of 16.97 feet to a point on the westerly boundary of said Lot 1;

Thence along said westerly boundary the following described courses:

Thence N 0°18'43" E a distance of 1.41 feet to a point;

Thence a distance of 31.30 feet along the arc of a 19.80 foot radius curve right, said curve having a central angle of 90°34'11" and a long chord bearing N 45°35'48" E a distance of 28.14 feet to the POINT OF BEGINNING.

This parcel contains 213 square feet (0.005 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
September 20, 2023

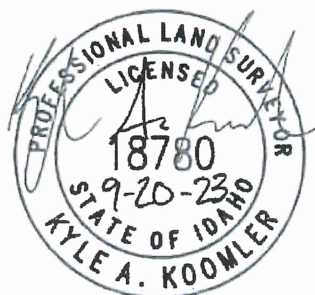
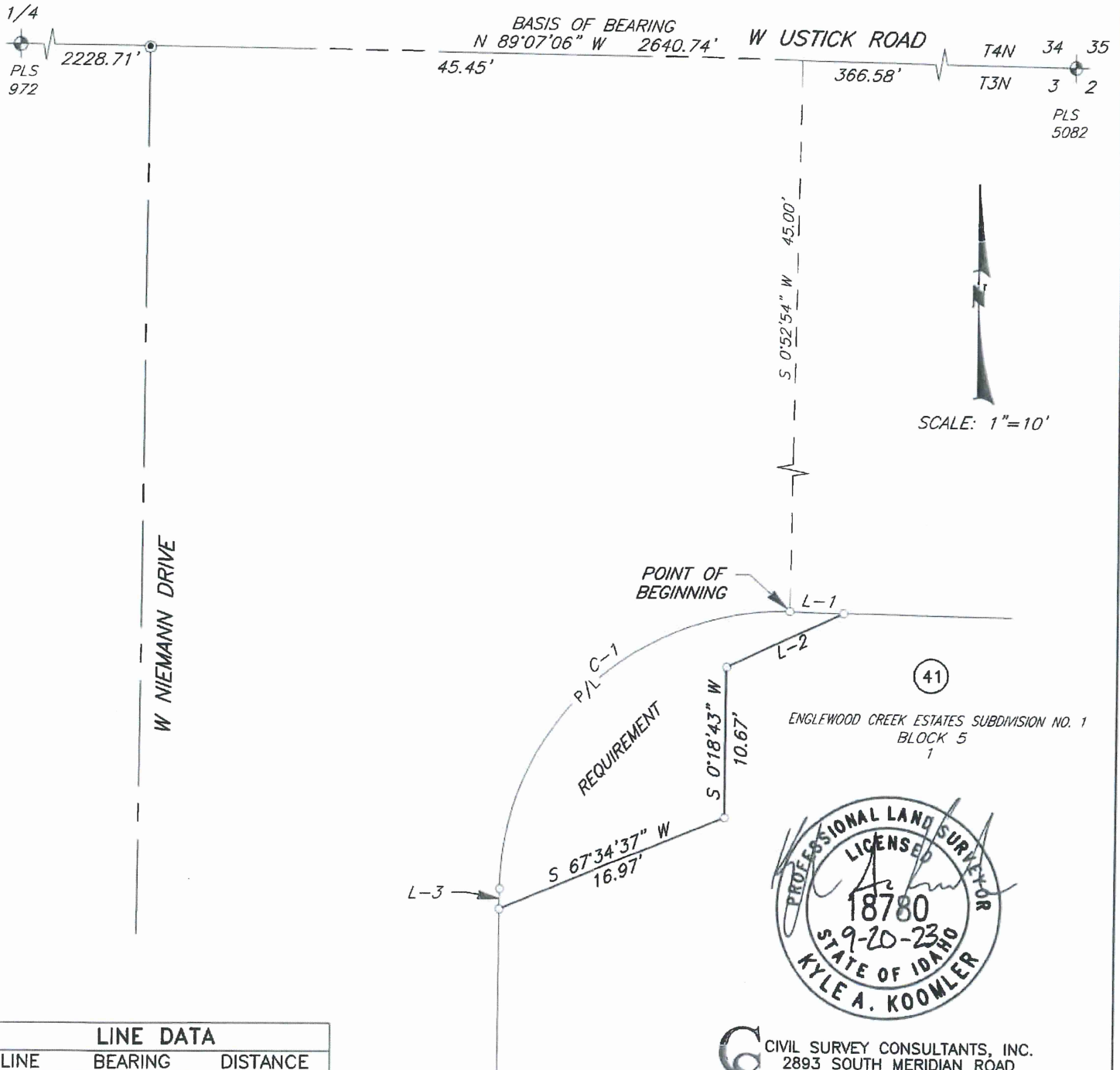
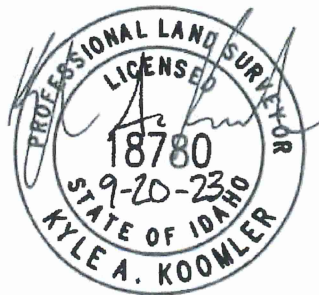


Exhibit "A"

SKETCH TO ACCOMPANY DESCRIPTIONS FOR ACHD
LOCATED IN THE NE 1/4 OF THE NE 1/4 OF
SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, ADA COUNTY, IDAHO



ENGLEWOOD CREEK ESTATES SUBDIVISION NO. 1
BLOCK 5
1



CIVIL SURVEY CONSULTANTS, INC.
2893 SOUTH MERIDIAN ROAD
MERIDIAN, IDAHO 83642
(208)888-4312

LINE DATA

LINE	BEARING	DISTANCE
L-1	S 89°07'06" E	3.74'
L-2	S 64°17'59" W	9.00'
L-3	N 0°18'43" E	1.41'

CURVE DATA

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BRNG.
C-1	90°34'11"	19.80'	31.30'	20.00'	28.14'	N 45°35'48" E