

PEDESTRIAN PATHWAY EASEMENT

This PEDESTRIAN PATHWAY EASEMENT is entered into this ____ day of February, 2024 (“Effective Date”), by the Ada County Highway District, a highway district organized under the laws of the State of Idaho (“Grantor”) to the City of Meridian, an Idaho municipal corporation (“Grantee”).

WHEREAS, Grantor is the owner of real property at 3764 W. Ustick Road, Meridian, Ada County Parcel no. S0434438600 (“Property”);

WHEREAS, Grantee is overseeing the construction of a multi-use public pathway running along Fivemile Creek from just east of Ninemile Creek to N. Grand Lake Way (“Pathway”), and a segment of the Pathway traverses the north side of the Property (“Pathway Segment”);

WHEREAS, Grantor is required by its April 19, 2022 Development Agreement with City (recorded in Ada County as Instrument no. 2022-038673) to install the Pathway Segment, after which Grantee shall provide all necessary maintenance and repair thereof; and

WHEREAS, the Pathway Segment shall be installed upon the easement described herein;

NOW, THEREFORE, the parties agree as follows:

- I. **Easement granted.** Grantor does hereby grant unto Grantee an easement on the property described on Exhibit A and Exhibit B, which are incorporated herein. The easement hereby granted is for the purpose of a public pedestrian pathway for multiple-use non-motorized recreation, with the free right of access to such facility at any and all times, to have and to hold said easement unto said Grantee, its successors, and its assigns forever. Grantor is lawfully seized and possessed of the Property, and that it has a good and lawful right to convey this easement, and that it will warrant and forever defend the title and quiet possession thereof against the lawful claims of all persons whomsoever.
- II. **Grantee to maintain pathway.** Grantee shall maintain and repair the Pathway Segment.
- III. **No interference with use.** Grantor hereby covenants and agrees that it will not place or allow to be placed any permanent structure, tree, brush, perennial shrub, flowers, or other impediment within the area described for this easement that would interfere with the use of said easement, for the purposes stated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Easement on the Effective Date first written above.

GRANTOR:

Ada County Highway District

STATE OF IDAHO)

County of Ada) ss:

Print name: Bruce S. Wong

Title: Director

I HEREBY CERTIFY that on this 1st day of February, 2024, before the undersigned, a Notary Public in the State of Idaho, this record was acknowledged before me by:

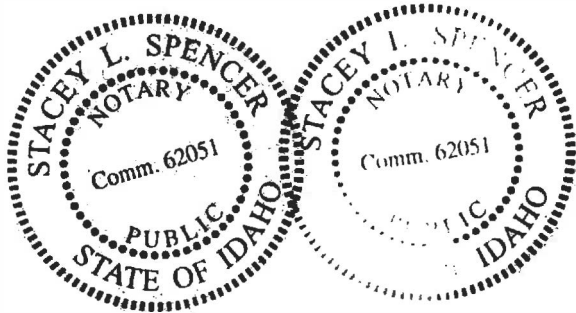
Bruce S. Wong
on behalf of the Ada County Highway District, in the following representative capacity:

Director

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

Stacey L. Spencer
Notary Public for Idaho
Residing at Boise, Idaho

My Commission Expires: August 13, 2025



GRANTEE:

CITY OF MERIDIAN

Robert E. Simison, Mayor

Chris Johnson, City Clerk

STATE OF IDAHO)

): ss

County of Ada)

On this ____ day of _____, 2023, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the City of Meridian, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City 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 above written.

Notary Public for Idaho
Residing at _____, Idaho
My Commission Expires: _____

Project No.: 210495

Ada County Tax ID.: S0434438600

Date: December 27, 2022

Page: 1 of 2

PARCEL No. 3
PERMANENT EASEMENT

A portion of that parcel of land, located in the SW1/4 of the SE1/4, of Section 34, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

COMMENCING at the Center Section Corner of said Section 34, from which the South One-Quarter Corner of said Section 34, bears S.00°44'04"W., 2636.02 feet; thence, along the west line of the SE1/4 of said Section 34,

- A) S.00°44'04"W., 1398.23 feet to the **POINT OF BEGINNING**; thence, leaving said west line,
- 1) S.89°12'48"E., 456.36 feet to the beginning of a tangent curve; thence,
 - 2) Southeasterly along said curve to the right, having a radius of 257.00 feet, an arc length of 166.25 feet, through a central angle of 37°03'52", of which the long chord bears S.70°40'52"E., 163.37 feet to a point of tangency; thence,
 - 3) S.52°08'56"E., 132.53 feet to the beginning of a tangent curve; thence,
 - 4) Southeasterly along said curve to the left, having a radius of 93.00 feet, an arc length of 54.34 feet, through a central angle of 33°28'37", of which the long chord bears S.68°53'15"E., 53.57 feet to a point of non-tangency; thence,
 - 5) S.00°43'12"W., 14.02 feet to the beginning of a non-tangent curve; thence,
 - 6) Northwesterly along said curve to the right, having a radius of 107.00 feet, an arc length of 63.41 feet, through a central angle of 33°57'20", of which the long chord bears N.69°07'36"W., 62.49 feet to a point of tangency; thence,
 - 7) N.52°08'56"W., 132.53 feet to the beginning of a tangent curve; thence,
 - 8) Northwesterly along said curve to the left, having a radius of 243.00 feet, an arc length of 157.20 feet, through a central angle of 37°03'52", of which the long chord bears N.70°40'52"W., 154.47 feet to a point of tangency; thence,



- 9) N.89°12'48"W., 456.35 feet to the west line of the SE1/4 of said Section 34;
thence, along said west line,
- 10) N.00°44'04"E., 14.00 feet to the **POINT OF BEGINNING**.

The above-described permanent easement **CONTAINS** 11,331 square feet (0.26 acres), more or less.



Exhibit B

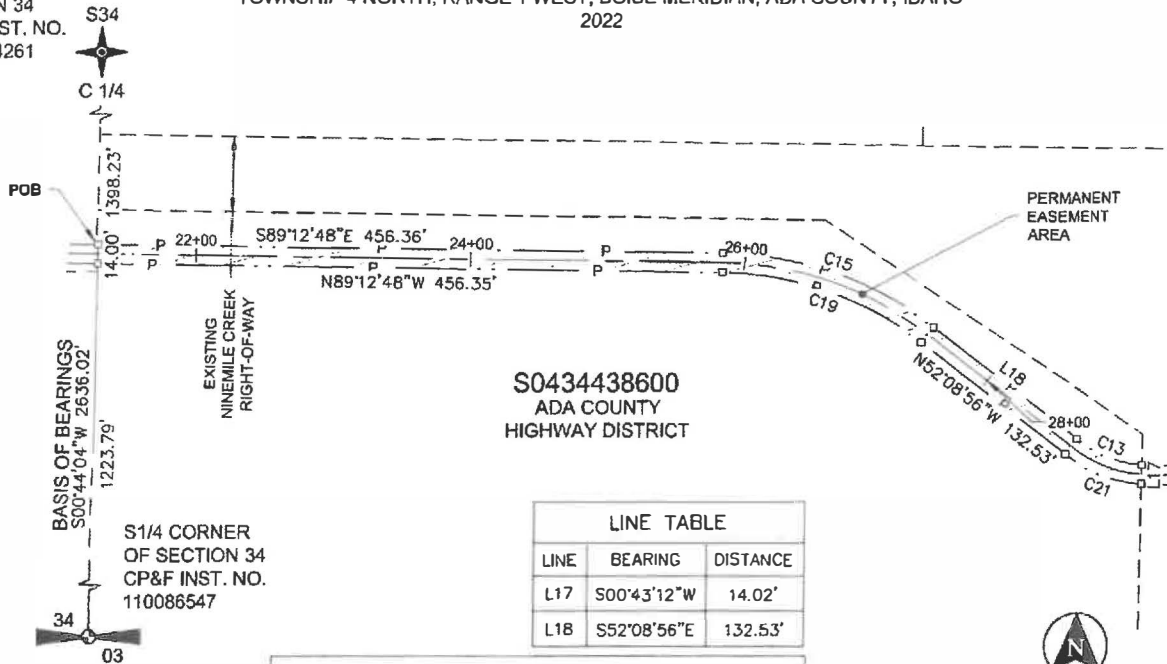
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EXHIBIT SKETCH (B)

C1/4 CORNER OF
SECTION 34
CP&F INST. NO.
2017-034261

LOCATED IN A PORTION OF THE SW1/4 OF THE SE1/4 SECTION 34,
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO
2022



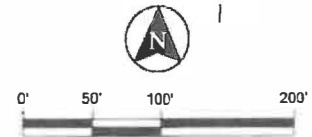
S0434438600
ADA COUNTY
HIGHWAY DISTRICT

LINE TABLE

LINE	BEARING	DISTANCE
L17	S00°43'12"W	14.02'
L18	S52°08'56"E	132.53'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C13	93.00'	54.34'	33°28'37"	S68°53'15"E	53.57'
C15	257.00'	166.25'	37°03'52"	S70°40'52"E	163.37'
C19	243.00'	157.20'	37°03'52"	N70°40'52"W	154.47'
C21	107.00'	63.41'	33°57'20"	N69°07'36"W	62.49'



210495-V-PATHWAY_EXHIBIT1 S.dwg

DEC. 2022

210495



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