

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/08/09 09:49 AM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Ada County Highway Dist

AMOUNT .00 7



780

**This sheet has been added to document
to accommodate recording information.**

RE-RECORD INSTRUMENT #109025612

(Recorded 03-05-09)

**TO CHANGE FIRST PAGE BY ELIMINATING THE WORD "RESIDENTIAL"
FROM THE FIRST SENTENCE IN PARAGRAPH 1.4**

MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT

This Master Perpetual Storm Water Drainage Easement (“Master Easement”) shall be appurtenant to and run with certain subdivisions of land in Ada County, Idaho. When this Master Easement is incorporated by reference to its recorded Instrument Number in a recorded subdivision plat or other instrument affecting land, the owner(s) of the subdivision or land and their successors and assigns in interest shall be bound by all of the provisions set forth in this Master Easement.

This Master Easement is made as of the date of recording of the final plat, by and between the owner(s) of the subdivision (hereinafter “Grantor”) and Ada County Highway District, a body politic and corporate of the State of Idaho (hereinafter “ACHD”);

W I T N E S S E T H:

Section 1. Recitals.

1.1 ACHD is organized as a single county-wide highway district pursuant to Title 40, Chapters 13 and 14, Idaho Code; and owns the public rights-of-way in Ada County, pursuant to Section 40-2302 Idaho Code, except those public rights-of-way under the jurisdiction of the State of Idaho;

1.2 ACHD has exclusive general supervisory authority over all public highways, public streets, and public rights-of-way in Ada County, except State highways, with full power to establish use standards and to control access to said public highways, public streets, and public rights-of-way pursuant to Section 40-1310 Idaho Code, and has jurisdiction over ditches, culverts, and any flooding in or over the public rights-of-way pursuant to Sections 40-2321, 40-2322, 40-2323 Idaho Code;

1.3 Grantor owns a parcel of real property located in Ada County, Idaho, a portion of which is more particularly described and depicted on the final plat of the subdivision (the “Servient Estate”) that references this Master Easement;

1.4 Grantor is developing a subdivision, and in order to safely remove storm water from the local and/or collector streets dedicated to ACHD upon recording of the plat of said subdivision (such local streets are hereinafter referred to as the “Dominant Estate”) Grantor has agreed to construct and install a storm water drainage facility on the Servient Estate along with associated underground storm water drain lines from the Dominant Estate into the storm water drainage facility (the facility and lines are hereinafter referred to as the “Storm Water Drainage System”);

1.5 It is the intent of ACHD and Grantor to simplify the process of negotiating separate agreements for each Storm Water Drainage System and to confirm the understanding between the parties with respect to ACHD’s and Grantor’s respective requirements for such Storm Water Drainage Systems, all consistent with the parties’ respective rights and obligations