

- d. Action Item: Authorize Mayor to sign Warranty Deed and Acceptance to Highway District No. 4 for right of way adjacent to Midway Park on Smith Avenue and Midway Road.
(Approved by City Attorney Todd Lakey)

WARRANTY DEED AND ACCEPTANCE

PARTIES:

GRANTEE: Highway District No. 4

GRANTOR/S: City of Nampa

This Warranty Deed and Acceptance made effective as of the _____ day of _____, 20__, by and between City of Nampa, **GRANTOR** herein, whose address is 411 3rd Street South Nampa ID 83651, and the Highway District No. 4, **GRANTEE** herein, a Highway District and government subdivision of the State of Idaho, hereinafter referred to as “Highway District”, whose address is 15435 Hwy 44, Caldwell, Idaho 83607.

IT IS AGREED IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED IN THIS WARRANTY DEED, AND OTHER GOOD AND VALUABLE CONSIDERATION:

SECTION ONE

DEFINITIONS

- 1.1 Notice of Rights:** means and refers to that certain form provided to Grantor by the Highway District which sets forth a summary of Grantor’s property rights in accordance with Idaho Code Section 7-711A.
- 1.2 Grantor:** means and refers to City of Nampa, Grantors herein and party to this Warranty Deed.
- 1.3 Development:** means and refers to Midway Park.
- 1.4 Highway District:** means and refers to the Highway District No. 4, a Highway District formed and existing under Chapter 13 of Title 40 Idaho Code, and government subdivision of the State of Idaho, Grantee herein and party to this Warranty Deed.
- 1.5 Real Property:** means that certain real property (as shown in Exhibit “A”, consisting of four (4) pages, attached hereto and by this reference made a part hereof) and more particularly described as follows:

**SMITH AVENUE
RIGHT-OF-WAY DESCRIPTION**

A 40-foot-wide strip of land located in the N1/2 of the SE1/4 of Section 24, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at a 5/8" iron pin marking the Center East 1/16 corner of said Section 24; thence, along the north boundary of said N1/2 of the SE1/4,

1. N.89°38'12"E., 992.56 feet to the centerline of the Johna Drain; thence along said centerline,
2. S.23°15'29"E., 43.42 feet; thence, parallel with said north boundary of the N1/2 of the SE1/4,
3. S.89°38'12"W., 1503.77 feet; thence,
4. N.00°41'19"E., 40.01 feet to said north boundary of the N1/2 of the SE1/4; thence, along said boundary
5. N.89°38'12"E., 493.59 feet to the **POINT OF BEGINNING**.

CONTAINING: 1.37 acres, more or less.



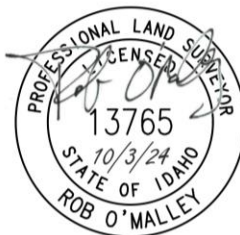
**MIDWAY ROAD
RIGHT-OF-WAY DESCRIPTION**

A 50-foot-wide strip of land located in the NE1/4 of the SE1/4 of Section 24, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at a brass cap monument marking the east one-quarter corner of said Section 24; thence along the east boundary of said NE1/4 of the SE1/4,

- A. S00°44'46"W., 908.37 feet to the **POINT OF BEGINNING**; thence, continuing,
1. S00°44'46"W., 145.04 feet; thence, leaving said east boundary,
 2. N89°02'53"W., 50.00 feet; thence, parallel with said east boundary,
 3. N00°44'46"E., 144.11 feet; thence,
 4. N89°53'14"E., 50.01 feet to the **POINT OF BEGINNING**.

CONTAINING: 0.17 acres, more or less.



SECTION TWO

RECITALS

The parties recite and declare:

- 2.1** Grantor is the owner of the Real Property; and
- 2.2** The Highway District has determined the Real Property is desirable and necessary for public highway, right of way and related purposes; and
- 2.3** The Grantor has been provided by the Highway District with the Notice of Rights and is fully informed and executes this Deed based upon Grantor's own advice and counsel; and
- 2.4** Grantor, and the Highway District, have entered into negotiations relative to the Development for the transfer of the Real Property by the Grantor to the Highway District which is agreed to be the valuable consideration for the parties to enter into this Warranty Deed and Acceptance.

SECTION THREE

WARRANTY DEED GRANT AND CONVEYANCE OF REAL PROPERTY

- 3.1** Grantor has granted, bargained, and sold, and, by this deed, grants, bargains, sells, conveys, and confirms to Highway District, and its assigns forever, from the effective date hereof the Real Property herein described.
- 3.2** Grantor covenants to Highway District that Grantor is the owner in fee simple of the Real Property; that the Real Property is free from all encumbrances, excepting those as may be herein set forth, and that Grantor will warrant and defend the same from all lawful claims.

SECTION FOUR

ACCEPTANCE OF WARRANTY DEED AND CONVEYANCE

- 4.1** The Highway District does hereby accept this Warranty Deed Grant and Conveyance of the Real Property herein provided for in accordance with the terms and conditions of this Warranty Deed.
- 4.2** By this acceptance the Highway District does not accept the Real Property for perpetual maintenance and inclusion within its Highway System, as any such action will only occur, if it ever occurs, by separate and subsequent act of the Board of Commissioners of the Highway District .

IN WITNESS WHEREOF, this Warranty Deed has been executed on the _____ day of _____, 20__, with the intent that it shall be recorded in the office of the recorder of the County of Canyon, State of Idaho.

GRANTOR

City of Nampa
By: Mayor

GRANTEE

Highway District No.4
By: Chairman

ATTEST

Secretary

STATE OF IDAHO)
 : ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a notary public in and for said County and State, personally appeared _____, of the City of Nampa, known to me or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same, and was authorized to do so for an on behalf of said City.

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

(SEAL)

Notary Public for Idaho
Commission Expires: _____

STATE OF IDAHO)
 : ss.
County of Canyon)

On this ____ day of _____, 20____, before me, the undersigned, a notary public in and for said County and State, personally appeared _____, of the Highway District No. 4, known to me or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same, and was authorized to do so for an on behalf of said Highway District.

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

(SEAL)

Notary Public for Idaho
Commission Expires: _____

Exhibit A



Project No: 230365
Date: October 2, 2024
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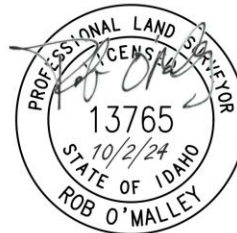
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EXHIBIT SKETCH - RIGHT-OF-WAY DEDICATION

LOCATED IN THE N1/2 OF THE SE1/4 OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 3 WEST
BOISE MERIDIAN, CANYON COUNTY, IDAHO
2024



CP&F INSTRUMENT
NO. 2008029922



LEGEND

- RIGHT-OF-WAY DEDICATION
- SECTION LINE
- PARCEL LINE
- FOUND ALUMINUM CAP MON.
- FOUND 5/8" REBAR
- CALCULATED POINT

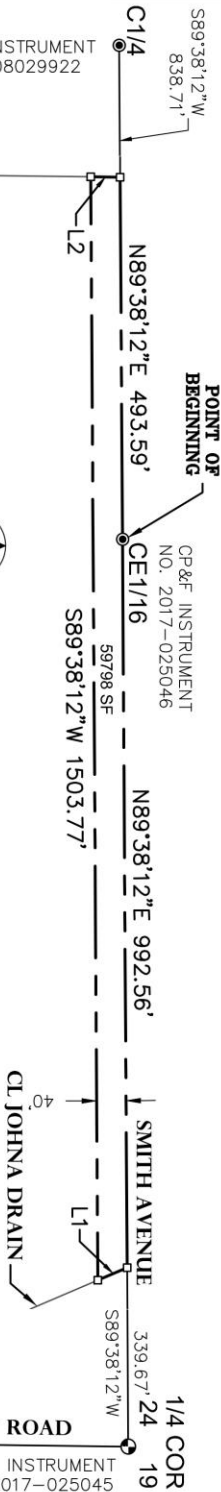
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S23°15'29"E	43.42'
L2	N00°41'19"E	40.01'



CP&F INSTRUMENT
NO. 2017-025047
S1/16

N00°44'46"E
1324.49'

CP&F INSTRUMENT
NO. 2017-025045



210211-1-XB RWD.dwg

MON. YEAR

OCTOBER 2024



332 N. BROADMORE WAY
NAMPA, IDAHO 83687
208-442-6300 | WWW.ARDURRA.COM



Project No: 230365
Date: October 2, 2024
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**MIDWAY ROAD
RIGHT-OF-WAY DESCRIPTION**

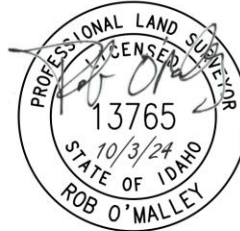
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