

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

(Space Above For Recorder's Use)

**TERMINATION OF ASSIGNMENT AND ASSUMPTION OF ACQUIRED EASEMENT
NO. 490 AND RE-CONVEYANCE OF ANY AND ALL RIGHTS, TITLE AND
INTEREST ACQUIRED BY ASSIGNEE TO ADA COUNTY**

This Termination of Assignment and Assumption of Acquired Easement No. 490 and Re-conveyance of Any and All Rights, Title and Interest Acquired by Assignee to Ada County is made this 5th day of July, 2016, by and between Ada County, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho whose address is 200 W. Front Street, Boise Idaho 83702 ("Ada County"), and the Foundation for Ada/Canyon Trail Systems, Inc., whose address is 5657 Warm Springs Avenue, Boise Idaho 83716 ("Assignee").

WHEREAS, Ada County is the holder of Acquired Easement No. 490 recorded in the Ada County Recorder's Office on September 22, 1998, as Instrument No. 98090652, a copy of which is attached hereto as Exhibit A and is deemed incorporated herein by reference, which Acquired Easement is for the purposes of providing a greenbelt pathway for the use of the general public; and

WHEREAS, the Assignee is the holder of an Assignment and Assumption of Acquired Easement No. 490, recorded in the Ada County Recorder's Office on August 4, 2010, as Instrument No. 110071923, a copy of which is attached hereto as Exhibit B and is deemed incorporated herein by reference, which assignment was given by Ada County to Assignee for Assignee to construct, improve and maintain the greenbelt pathway; and

WHEREAS, Assignee now desires to terminate that Assignment and Assumption of Acquired Easement No. 490 recorded as Instrument No. 110071923 and allow Ada County to resume the duties of maintenance and improvements to the greenbelt pathway pursuant to the provisions of Acquired Easement No. 490 as Assignee currently does not have the employees or equipment to perform the obligations of the assignment and assumption given by Ada County to Assignee and Ada County does have the employees and equipment to provide the maintenance and improvements to the greenbelt pathway.

TERMINATION OF ASSIGNMENT AND ASSUMPTION OF ACQUIRED EASEMENT NO.
490 AND RE-CONVEYANCE OF ANY AND ALL RIGHTS, TITLE AND INTEREST
ACQUIRED BY ASSIGNEE TO ADA COUNTY - PAGE 1

EXHIBIT A

INSTRUMENT NO. 98090652

(2 pages – attached)

TERMINATION OF ASSIGNMENT AND ASSUMPTION OF ACQUIRED EASEMENT NO.
490 AND RE-CONVEYANCE OF ANY AND ALL RIGHTS, TITLE AND INTEREST
ACQUIRED BY ASSIGNEE TO ADA COUNTY – EXHIBIT A

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Cosko Humphrey
ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO
STATE OF IDAHO

RECORDED - REQUEST OF

FEE 6⁰⁰ DEPUTY *[Signature]*

98090652

1998 SEP 22 PM 12:23
ACQUIRED EASEMENT NO. 490

KNOW ALL MEN BY THESE PRESENTS that **DELORES ASHLEY**, as trustee of the **Henry Ellsworth Dalrymple Testamentary Trust**, of 11830 Savage Drive, Boise, Idaho 83704 (Grantor), does hereby give and grant unto the **Ada County, a political subdivision of the State of Idaho**, at 650 West Main St., Boise, Idaho 83702 (Grantee), non-exclusively for use by the general public, a permanent greenbelt easement which can be a paved path for pedestrian, equestrian, and other non-motorized access.

There are no implied easements across the Grantor's land to access this easement nor does either party guarantee any access to this easement.

A tract of land being located in Government Lots 7 and 8 in Section 22 and Government Lot 8 in Section 23, all in Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

A strip of land twenty five (25.00) feet wide, all being located southerly of and adjacent to the ordinary high water line of the south (left) bank of the South Channel of the Boise River as more particularly described as follows:

Commencing at an Ada County brass cap marking the section corner common to Sections 22, 23, 26, and 27, Township 4 North, Range 1 East, Boise Meridian; thence North 0°37'56" East a distance of 1,876.35 feet along the section line common to said Sections 22 and 23; thence South 88°59'38" East, 236.11 feet; thence South 74°56'46" East, 105.23 feet; thence South 70°43'20" East, 233.03 feet; thence South 66°25'54" East, 155.18 feet; thence South 72°56'32" East, 71.35 feet; thence South 82°15'24" East, 277.20 feet; thence North 3°18'45" East, 596.26 feet; thence North 85°57'20" West, 468.43 feet; thence North 15°17'58" West, 374.76 feet; thence North 7°31'29" East, 193.87 feet to a point on the existing ordinary high water line of the south bank of the South Channel of the Boise River, said point being the REAL POINT OF BEGINNING; thence along the said ordinary high water line the following courses and distances; North 88°58'35" West, 84.30 feet; thence North 77°37'59" West, 392.47 feet; thence North 81°47'23" West, 164.60 feet; thence North 70°45'04" West, 431.31 feet; thence North 49°28'44" West, 162.50 feet; thence North 62°22'04" West, 302.38 feet; thence North 56°44'26" West, 148.03 feet; thence North 79°38'33" West, 302.75 feet; thence North 74°16'29" West, 217.65 feet; thence South 71°00'02" West, 160.17 feet; thence South 57°52'11" West, 189.04 feet; thence South 63°40'43" West, 197.65 feet; thence South 76°43'26" West, 144.16 feet to a point, said point being the terminus of said easement, the above described area containing 1.66 acres, more or less.

It is understood and agreed that this easement location will change and coincide with any changes of the south bank of the South Channel of the Boise River.

The Grantor reserves the right to require Ada County or the current maintainer of the greenbelt to construct a fence along the south boundary of the easement at a later date at the greenbelt maintainer's expense, if deemed necessary upon the mutual agreement of the Grantor and the Grantee for the Grantor's property protection and security.

This easement was approved by the State Board of Land Commissioners on September 8, 1998.

TO HAVE AND TO HOLD the said easement unto State of Idaho, for the purposes herein above described, its successors and assigns forever. If for any reason, the easement fails to be developed for its intended use as a greenbelt for the benefit of the general public, this easement shall revert to the State of Idaho for the purpose of a unimproved public access easement.

IN WITNESS WHEREOF, DELORES ASHLEY, Trustee of the Henry Ellsworth Dalrymple Testamentary Trust, has caused these presents to be duly executed by her signature.

ATTEST:

As Party of the First Part


DELORES ASHLEY, Trustee

ACKNOWLEDGMENT

STATE OF IDAHO)
(ss.
County of Ada)

On this 8th day of September, 1998, before me, a Notary Public in and for said State of Idaho, personally appeared **DELORES ASHLEY, Trustee of the Henry Ellsworth Dalrymple Testamentary Trust**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



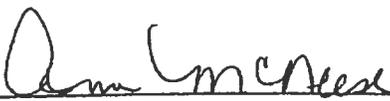

NOTARY PUBLIC for Idaho
Residing at: Meridian Id
My Commission Expires: 8-21-99

EXHIBIT B

INSTRUMENT NO. 110071923

(5 pages – attached)

TERMINATION OF ASSIGNMENT AND ASSUMPTION OF ACQUIRED EASEMENT NO.
490 AND RE-CONVEYANCE OF ANY AND ALL RIGHTS, TITLE AND INTEREST
ACQUIRED BY ASSIGNEE TO ADA COUNTY – EXHIBIT B

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**ASSIGNMENT AND ASSUMPTION OF
ACQUIRED EASEMENT 490**

THIS ASSIGNMENT AND ASSUMPTION of Acquired Easement 490 is made this 27th day of July, 2010, by and between Ada County, a duly formed and existing county pursuant to the laws and Constitution of the State of Idaho ("Assignor"), and the Foundation for Ada/Canyon Trail Systems, Inc., 5657 Warm Springs Avenue, Boise, Idaho 83716-8700 ("Assignee").

WITNESSETH

WHEREAS, Assignor received Acquired Easement No. 490 from Delores Ashley, as trustee of the Henry Ellsworth Dalrymple Testamentary Trust; and

WHEREAS, the State Board of Land Commissioners approved Acquired Easement No. 490 on September 8, 1998; and

WHEREAS, Acquired Easement No. 490 was recorded on September 22, 1998 and given instrument number 98090652; and

WHEREAS, Acquired Easement No. 490 is for a permanent greenbelt which can be a paved path for pedestrian, equestrian, and other non-motorized access; and

WHEREAS, Assignee is an organization whose purpose is to enhance the quality of life throughout the Treasure Valley and to enhance the safety of recreationalists and commuters by providing and/or encouraging provisions for non-motorized use trail systems for the benefit of the general public; and

WHEREAS Assignee wishes to improve and maintain the Greenbelt.

NOW THEREFORE, for good and valuable consideration, the Assignor and Assignee agree as follows:

1. The Assignor assigns and conveys to Assignee all rights and interests of the Assignor in Acquired Easement No. 490, a copy of which is attached hereto as Exhibit A and is deemed incorporated herein by reference.

2. Assignee hereby agrees that this Assignment and Assumption of Acquired Easement No. 490 is specifically conditioned on the Assignee's continued performance of all obligations contained in Acquired Easement No. 490. Assignee further agrees that Assignee shall assume all responsibilities and liabilities of the Assignor under Acquired Easement No. 490.

3. Assignee hereby acknowledges that Assignee's failure to comply with the terms of Acquired Easement No. 490, shall result in reversion of the rights and interest of Acquired Easement No. 490 to the Assignor.

IN WITNESS WHEREOF, this Assignment has been executed by the parties hereto on the day and year first written above.

ASSIGNOR:

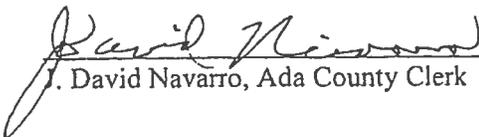
Board of Ada County Commissioners

By: 
Fred Tilman, Chairman

By: 
Sharon M. Ullman, Commissioner

By: **ABSENT**
Rick Yzaguirre, Commissioner

ATTEST:


J. David Navarro, Ada County Clerk

ASSIGNEE:

Foundation for Ada/Canyon Trail Systems, Inc.

By: Judy M. Peavey-Derr
Judy M. Peavey-Derr, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 19 day of April, 2010, before me, a notary public, personally appeared Judy M. Peavey-Derr, known or identified to me to be the President of the Foundation for Ada/Canyon Trail Systems and acknowledged to me that she executed the this document on behalf of the Foundation for Ada/County Trail Systems, Inc.

[Signature]
Notary Public for Idaho
Commission Expires 12-29-10



Cosko Humphrey

ADA COUNTY RECORDER
J. DAVID NAVARRO
STATE OF IDAHO

RECORDED - REQUEST OF

FEE 6⁰⁰ DEPUTY *[Signature]*

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This easement was approved by the State Board of Land Commissioners on September 8 1998.

EXHIBIT

A

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IN WITNESS WHEREOF, DELORES ASHLEY, Trustee of the Henry Ellsworth Dalrymple Testamentary Trust, has caused these presents to be duly executed by her signature.

ATTEST:

As Party of the First Part

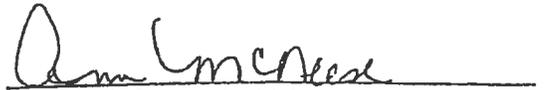

DELORES ASHLEY, Trustee

ACKNOWLEDGMENT

STATE OF IDAHO)
(ss.
County of Ada)

On this 8th day of September, 1998, before me, a Notary Public in and for said State of Idaho, personally appeared DELORES ASHLEY, Trustee of the Henry Ellsworth Dalrymple Testamentary Trust, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.




NOTARY PUBLIC for Idaho
Residing at: Meridian Id
My Commission Expires: 8-21-99