

1714085

Filed for record at the Request of:

LUKINS & ANNIS, P.S.
The Coeur d'Alene North, Suite 102
250 Northwest Boulevard
Coeur d'Alene, Idaho 83814

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss

AT THE REQUEST OF
Richard McKernan

JAN 14 2 54 PM '02

DANIEL J. ENGLISH *JB*

FEES _____ DEPUTY *240*

GRANT OF ACCESS AND UTILITY EASEMENTS

FOR VALUE RECEIVED, **RODNEY L. SHRINER**, a single man ("Grantor"), hereby grants to **ROY B. MASTERSON, DAVID C. DABOLL, JOHN D. BEEBE, JR., and RICHARD V. MCKERNAN**, all dealing in their sole and separate property (collectively "Grantees"), a perpetual nonexclusive easement over and across that certain real property located in Kootenai County, Idaho, more particularly described as follows (the "Burdened Property"):

Government Lots 2 and 3, Section 12, Township 48 North, Range 5 West, Boise Meridian, Kootenai County, Idaho.

The actual easement area to be encumbered by this instrument (the "Easement Area") is described on Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated herein by this reference.

Such easement to be for the use and benefit of that certain adjacent real property owned by the Grantees (the "Benefited Property") also located in Kootenai County, Idaho, more particularly described on Exhibit "C" attached hereto and incorporated herein by this reference.

Said easement shall be for road access, ingress, and egress between the Benefited Property and Idaho State Highway No. 95, being a public right of way, and shall be available to reasonable pedestrian and vehicular traffic, and shall also be for the installation, operation, repair, maintenance, and replacement of such normal and reasonable utility lines and facilities (public and/or private) as may be necessary to service the Benefited Property, including without limitation, drainage, telephone, television, electric, water, and sewer lines and facilities; provided that, except as required by law or public utility providers, all such lines and facilities shall be installed and maintained below ground level at a safe depth and marked for easy identification.

The intent of this instrument is to provide for easement rights necessary for the eventual subdivision and development of not only the Benefited Property, but also the balance of the Burdened Property described above. Accordingly, these easements shall be subject to the following special terms and conditions:

1. Both the Grantor and the Grantees, and their successors and assigns with respect to the Benefited Property and the Burdened Property, shall have the right to use the easement area to provide access and utility service to such Property or any portion thereof that may be split off through subdivision. Each party shall have the right to subdivide or otherwise develop its Property and improve and use the easement area according to the needs of such subdivision or development.
2. Any person having rights to use the Easement Area according to this instrument, shall also have the right, at such person's expense, to pave a roadway through the Easement Area, which pavement shall comply with County specifications, if any, applicable to the proposed use of the parcel then owned by the person undertaking the paving. The right to pave shall include the right to construct an entrance gate and/or monument, with such design and security features

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as may be reasonably agreed to by the owners of a majority of the separate legal parcels then having rights to the Easement Area. Once paved, any person wishing to continue the use of the easement for access purposes shall enter into a recordable road maintenance agreement with all other such users, providing for equal sharing of the maintenance and repair burden (for the entire length of the paved portion of the Easement Area, and including any approved entrance gate and/or monument), based on the number of constructed dwelling units, regardless of actual occupancy, having rights to use the paved roadway for vehicular access, and also providing for assessment lien rights to enforce the payment obligation. However, the obligation to participate in such maintenance and repair expense shall not apply to the Grantor or its successor(s) with respect to the existing residence owned by the Grantor (and any replacement residence), so long as the private driveway access between such residence and the paved roadway is located substantially in its present location (near the apron portion of the easement adjacent to State Highway 95);

3. At the request of either the Grantor or the Grantees herein, or any other person having an interest in either the Benefited Property or the Burdened Property, all other such persons shall agree to dedicate the roadway portion of the Easement Area to Kootenai County, or to any highway district having jurisdiction. This dedication commitment does not, however, imply the obligation of any person to contribute to the cost of paving or other improvement that might be required as a condition to the dedication;

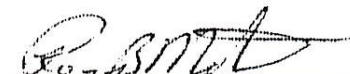
4. Spur roads may be constructed off the roadway portion of the Easement Area, according to supplemental easement rights created by the Grantor. However, while the maintenance provisions of Paragraph 2, above shall apply to any new users of the roadway within the Easement Area (once paved), the maintenance obligations pertaining to the Benefited Property described herein shall not extend to any portion of any such spur road;

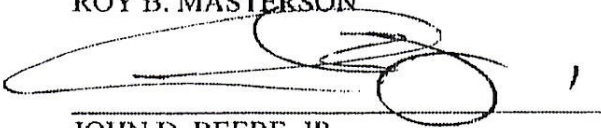
5. The parties recognize that the actual location of the apron portion of the Easement Area, providing access to State Highway 95, shall be determined by the Idaho Transportation Department ("ITD"). In the event that ITD requires a relocation of the apron, the Grantor and Grantees agree to execute and record an amendment to this instrument, redefining the Easement Area to expand the apron portion up to twenty (20) feet to the south.

The above-described easement shall run with the land and shall be binding upon the heirs, representatives, successors, and assigns of Grantor with respect to the Burdened Property and shall inure to the benefit of the heirs, representatives, successors, and assigns of the Grantee with respect to the Benefited Property.

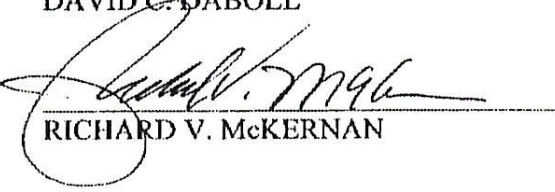
EXECUTE AND EFFECTIVE this JAN 9, 2002.


RODNEY L. SHRINER


ROY B. MASTERSON


JOHN D. BEEBE, JR.


DAVID C. DABOLL


RICHARD V. McKERNAN

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STATE OF IDAHO

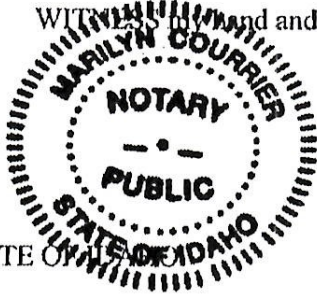
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:SS.

County of Kootenai

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On this 9th day of January, 2002, before me, Marilyn Courrier, a Notary Public in and for the State of Idaho, personally appeared RODNEY L. SHRINER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Marilyn Courrier
Notary Public for Idaho
Residing at Coeur d'Alene
Commission Expires 9/23/06

STATE OF IDAHO

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:SS.

County of Kootenai

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On this 11th day of January, 2002, before me, Marilyn Courrier, a Notary Public in and for the State of Idaho, personally appeared ROY B. MASTERSON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Marilyn Courrier
Notary Public for Idaho
Residing at Coeur d'Alene
Commission Expires 9/23/06

STATE OF IDAHO

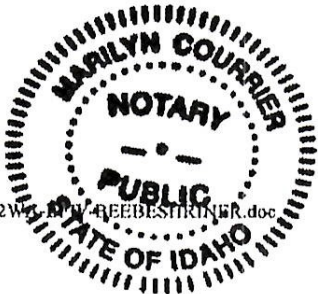
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County of Kootenai

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On this 9th day of January, 2002, before me, Marilyn Courrier, a Notary Public in and for the State of Idaho, personally appeared DAVID C. DABOLL, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Marilyn Courrier
Notary Public for Idaho
Residing at Coeur d'Alene
Commission Expires 9/23/06

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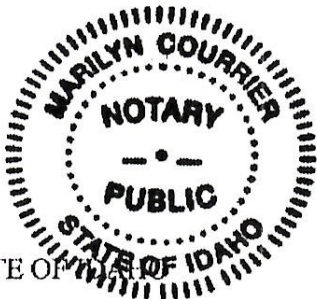
STATE OF IDAHO)

:SS.

County of Kootenai)

On this 9th day of January, 2002, before me, Marilyn Courrier, a Notary Public in and for the State of Idaho, personally appeared JOHN D. BEEBE, JR., known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Marilyn Courrier

Notary Public for Idaho

Residing at Coeur d'Alene

Commission Expires 9/23/06

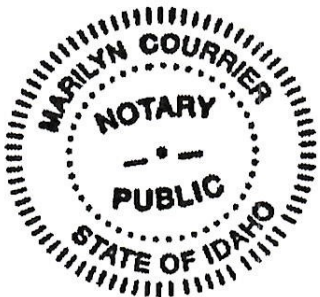
STATE OF IDAHO)

:SS.

County of Kootenai)

On this 9th day of January, 2002, before me, Marilyn Courrier, a Notary Public in and for the State of Idaho, personally appeared RICHARD V. McKERNAN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Marilyn Courrier

Notary Public for Idaho

Residing at Coeur d'Alene

Commission Expires 9/23/06

EXHIBIT "A"

Legal Description of Easement Area

Those portions of Government Lot 2 and 3, situated in Section 12, Township 48 North, Range 5 West, B.M., more particularly described as follows:

Commencing at U.S Hwy 95 Sta. 292+90.000 85 Rt. (metric stationing) according to Idaho Transportation Department Amended Highway Right-of-Way Plat U.S.-95 Bellgrove to Mica Project No. DHP-NH-CM-5110(119) Key No. 2815, Sheet 2 of 21, recorded in Book H, at Page 4A, records of Kootenai County, monumented with a steel rod 5/8" diameter with a zinc alloy cap 2 1/2" diameter marked I.T.D. PLS 8024; thence northeasterly along said Right-of-Way line the following courses and distances; North 37°36'22" East, 590.48 feet to a steel rod 5/8" diameter with a zinc alloy cap 2 1/2" diameter marked I.T.D. PLS 8024 at Sta. 294+70.000 85 Rt; thence North 18°46'56" East, 406.60 feet to a steel rod 5/8" diameter with a zinc alloy cap 2 1/2" diameter marked I.T.D. PLS 8024 at Sta. 295+87.289 45 Rt; thence North 37°36'51" East, 436.63 feet to Sta. 297+20.374 45 Rt., said point being the REAL POINT OF BEGINNING.

thence continuing along said Right-of-Way North 37°36'51" East, 80.00 feet to the north line of Said Government Lot 3;
 thence leaving said right-of-way line and along the north line of said Government Lot 3 South 89°06'41" East, 722.71 feet to the northeast corner of said Government Lot 3, said point also being the North 1/4 Corner of said Section 12 (from which the northeast corner of said Section 12 bears South 86°56'33" East, 2620.36 feet);
 thence leaving the north line of said Government Lot 3 along the north line of said Government Lot 2, South 86°56'33" East, 110.01 feet;
 thence leaving said north line South 02°20'38" West, 1480.37 feet along a line 110 feet easterly of, as measured at right angles and parallel with the West line of said Government Lot 2 to the south line of said Government Lot 2;
 thence along said south line North 89°05'31" West, 80.02 feet to a point (from which the southwest corner of said Government Lot 2 bears North 89°05'30" West, 30.01 feet);
 thence leaving said south line along a line 30 feet easterly of (as measured at right angles) and parallel with the West line of said Government Lot 2 North 02°20'38" East, 888.60 feet;
 thence leaving said line northwesterly 749.28 feet along the arc of a curve concave to the southwest, said curve having a radius of 470.00 feet, central angle of 91°20'31", and a long chord which bears North 43°19'37" West, 672.42 feet;

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EXHIBIT "A"

Legal Description of Easement Area

(continued)

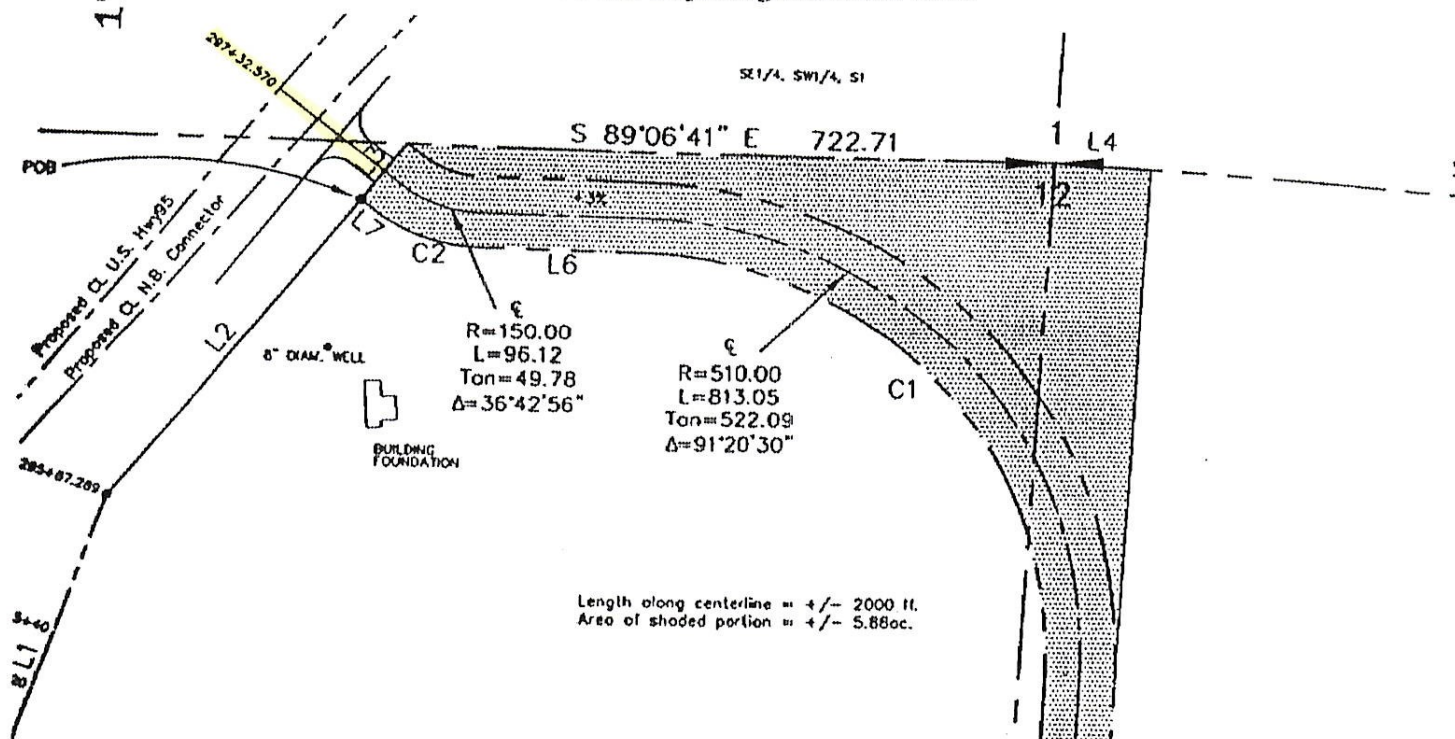
thence North 89°06'41" West, 186.88 feet;
thence northwesterly 121.75 feet along the arc of a curve concave to the northeast,
said curve having radius of 190.00 feet, a central angle of 36°42'56", and a long
chord which bears North 70°45'13" West, 119.68 feet;
thence North 52°23'45" West, 20.01 feet to the REAL POINT OF BEGINNING.

Containing 5.88 acres, more or less, subject to all easements and rights of way of
record or appearing on said tract.

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EXHIBIT "B"

Sketch Depicting Easement Area



GOVT. LOT 3 SEC. 12

GOVT. LOT 2 SEC. 12

LINE TABLE		
LINE	LENGTH	BEARING
L1	406.60	N18°46'56"E
L2	436.63	N37°36'51"E
L3	80.00	N37°36'51"E
L4	110.01	S86°56'33"E
L5	80.02	N89°05'31"W
L6	186.88	N89°06'41"W
L7	20.01	N52°23'45"W

CURVE TABLE				
LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
749.28	470.00	91°20'30"	672.4176	N43°19'37"W
121.75	190.00	36°42'56"	119.6809	S70°45'13"E

COEUR D'ALENE INDIAN RESERVATION BOUNDARY

GOVT. LOT 6 SEC. 12

GOVT. LOT 7 SEC. 12

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EXHIBIT "C"

Legal Description of Benefited Property

PARCEL 1

The Northeast quarter of the Northeast quarter of Section 13, Township 48 North, Range 5 W.B.M., Kootenai County, Idaho;

PARCEL 2

The Southeast quarter of Section 12, Township 48 North, Range 5 W.B.M. Kootenai County, Idaho, except the South half of the Southwest quarter of the Southeast quarter thereof.

PARCEL 3

Government Lots 7 and 8, Section 12, Township 48 North, Range 5 W.B.M., Kootenai County, Idaho.

EXCEPT the East 330 feet of the North 1320 feet of said Government Lot 8.

PARCEL 4

The East 330 feet of the North 1320 feet of Government Lot 8, Section 12, Township 48 North, Range 5 W.B.M., Kootenai County, Idaho.

PARCEL 5

A perpetual nonexclusive easement for ingress, egress and utilities as created in that certain grant of easement recorded May 17, 1988 as Instrument No. 1117017 and described as follows:

A strip of land being 30 feet in width, and running from the northern boundary of Vogt Road in a Northerly direction for a distance of 700 feet, within and along the eastern edge of the following-described real property:

The east 990 feet of the Southwest quarter of Section 12, Township 48 North, Range 5 W.B.M., Kootenai County, Idaho.

PARCEL 6

A right of way as created by the reservation in the Deed recorded April 20, 1990 as Instrument No. 1180167.

PARCEL 7

An easement for ingress and egress over and across the North 60 feet of that portion of Government Lot 5, Section 12, Township 48 North, Range 5 W.B.M., Kootenai County, Idaho, lying East of U.S. Highway #95.