

## Fire Pond Sharing and Access Agreement

This agreement is made and entered into this 8 day of September, 2021 by and between the CHILLY WATER SUBDIVISION HOMEOWNERS ASSOCIATION, INC owners of that certain real property located in the NW ¼ of Section 7, Township 5 North, Range 46 East Boise Meridian, Teton County, Idaho, and more particularly described as Lots 1 through 16 of Chilly Water Subdivision, recorded in Teton County, Idaho on April 29, 2008 as Instrument No. 197247, and the JERRY PEACOCK FAMILY TRUST, owners of a property located 1665 Reunion Road totaling 22.41 acres more or less. The legal description of the PEACOCK property is included below.

### WITNESSETH:

For and in consideration of the mutual covenants set forth herein, the parties agree to the terms and conditions hereof.

### AGREEMENT:

1. The Chilly Water HOA hereby agrees to allow the Peacock Family Trust or its successors to have access to, and use the Chilly Water Subdivision Fire Pond for fire protection only.
2. No right to recreational access of the Chilly Water pond, open space, or trails is granted by this agreement.
3. The Peacock Family Trust agrees to pay the Chilly Water HOA rent in the sum of \$1,000 USD annually.
4. The \$1,000 USD annual rent payment for this agreement shall only be due upon recordation of the Peacock Family Trust subdivision.
5. The Peacock Family Trust agrees to pay the Chilly Water HOA \$500 USD annual operating costs.

6. The \$500 USD annual operating cost payment shall only be due upon issuance of a building permit for any permanent structure within Peacock Family Trust subdivision. So long as no structures are built within the Peacock Family Trust subdivision, no \$500 USD annual operating cost payment shall be required.
7. The Peacock Family Trust agrees to pay fifty percent (50%) of any repairs needed to keep the fire pond in working condition.
8. The length of this agreement shall be five (5) years from the date of execution.
9. This agreement shall be deemed automatically renewed unless either party terminates this agreement with a future recordation.
10. If the Peacock Family Trust elects to terminate this agreement prior to any permanent structure being built within the Peacock Family Trust Subdivision, they shall pay a one-time early termination payment of \$500 USD to the Chilly Water HOA.
11. The Peacock Family Trust intends and agrees to diligently pursue Teton County, Idaho approval of their family subdivision, which shall comprise no more than five (5) residential lots.

## LEGAL DESCRIPTION OF THE JERRY PEACOCK FAMILY TRUST PROPERTY

### LEGAL DESCRIPTION PARCEL 1

A Parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) & North One-Half of the Northeast Quarter (N1/2NE1/4) Section 7, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho, being more particularly described by metes and bounds as follows:

COMMENCING at the Center Quarter Corner of Section 7, being marked by a 2 inch diameter steel pipe with a 3 inch Brass Cap inscribed "KING 754" along with other markings;

THENCE N 00°33'10" W, 1811.60 feet, along the north-south mid-section line of said Section 7 to a point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey, said point being the POINT OF BEGINNING;

THENCE departing said mid-section line, S 89°25'32" W, 542.76 feet, to a point marked with 5/8 inch diameter rebar found this survey;

THENCE N 00°33'33" W, 565.38 feet, to a point marked by a 1/2 inch diameter rebar with an aluminum cap inscribed "LS 2860" found this survey, said point being the southwest corner of Lot 1 PJ Clark Tree Farm Subdivision;

THENCE N 89°31'52" E, 542.82 feet, to a point of intersection north-south mid-section line of said Section 7, said point being witnessed by a 1/2 inch diameter rebar with an aluminum cap inscribed "LS 2860" bearing N 89°31'52" E, 1.43 feet, said point being the southeast corner of said Lot 1 found this survey;

THENCE N 89°25'23" E, 1163.39 feet, to a point marked by a 1/2 inch diameter rebar with an aluminum cap inscribed "LS 2860" found this survey;

THENCE S 00°37'45" E, 1058.36 feet, to a point of intersection with the south line of said N1/2NE1/4 marked by a 1/2 inch diameter rebar with an aluminum cap inscribed "LS 2860" found this survey;

THENCE S 89°32'05" W, 93.00 feet, along said south line to a point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey;

THENCE N 00°38'59" W, 492.19 feet, to a point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey;

THENCE S 89°32'08" W, 817.78 feet, to a point marked by a 5/8 inch diameter rebar found this survey;

THENCE N 01°27'28" W, 211.51 feet, to a point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey;

THENCE N 07°40'34" W, 238.70 feet, to a point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey;

THENCE S 89°30'33" W, 220.24 feet, to a point of intersection north-south mid-section line of said Section 7, said point marked with 5/8 inch diameter rebar with a 2 inch diameter aluminum cap inscribed "PLS 19140" set this survey;

THENCE S 00°33'10" E, 448.67 feet, along said mid-section line, to the POINT OF BEGINNING;

Said Parcel 1 encompasses 20.69 acres, more or less.

Subject to that Peacock Lane County Road Right-Of-Way.

The parcel created by this split shall not be split or divided further without full compliance of the provisions of the Teton County, Idaho code.

IN WITNESS WHEREOF, the parties have executed this agreement.

CHILLY WATER HOMEOWNERS ASSOCIATION, INC

By [Signature] President Christopher Clarke

JERRY PEACOCK FAMILY TRUST

By [Signature] Sam Anderson

STATE OF IDAHO

COUNTY OF TETON

On the 8 day of September 2021 before me, the undersigned, a Notary public in the State of Idaho, personally appeared Christopher Clarke, who is known or identified to me to be the owner of the CHILLY WATER SUBDIVISION FIRE POND, that executed the foregoing instrument.

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

[Signature]  
Notary Public

My commission expires: 7/6/2022

