

ADDENDUM TO MASTER PATHWAY AGREEMENT

ADDENDUM TO MASTER PATHWAY AGREEMENT, made and entered into this ____ day of _____, 2023, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district organized and existing under and by virtue of the laws of the State of Idaho (District), and the CITY OF MERIDIAN, a political subdivision and municipality of the State of Idaho (referred to as the “City”), is made with reference to the following facts:

The District and the City entered into a Master Pathway Agreement dated December 19, 2000, recorded as Instrument No. 100102999, records of Ada County, Idaho (hereinafter referred to as the “Master Pathway Agreement”). The purpose of the Master Pathway Agreement is to provide a process of negotiating and approving separate agreements for future pathways on, over or across the District’s facilities and encroachments upon the District’s easements by the City, provide for consultation as to future pathway requests and to confirm the understanding between the parties with respect to the District’s requirements for pathways. Paragraph 3 of the Master Pathway Agreement provides that the City shall enter into an agreement authorizing pathways and paragraph 3(e) provides that: “Approval may only be granted by the District’s board of directors through a resolution during one of its regular meetings.” Paragraphs 3(g) and 3(i) of said Master Pathway Agreement also provides that each agreement is to be submitted to and/or approved by the District’s board of directors. The District has subsequently passed a Resolution in which its Board of Directors has authorized the District’s Water Superintendent to execute agreements on behalf of the Board of Directors and on behalf of the District. Accordingly, the District and City now desire to modify and amend said Master Pathway Agreement to permit and clarify that future Agreements between the District and City under said Master Pathway Agreement may also be submitted to the District’s Water Superintendent for review, approval and signature. Execution of this addendum in accordance with these facts will affect or change the terms of said Master Pathway Agreement.

NOW, THEREFORE, for and in consideration of the premises and of the covenants, agreements and conditions hereinafter set forth and those set forth in the Master Pathway Agreement referred to above naming the parties hereto as parties, the parties agree as follows:

1. Paragraph 3 of the Master Pathway Agreement is hereby amended and modified to provide that any future Agreements between the District and City under or pursuant to said Master Pathway Agreement may also be submitted to the District’s Water Superintendent for review, approval and signature and it not required that the Agreements be approved and signed by the District’s Board of Directors. The District and City hereby agree to strike or eliminate any portion of Paragraph 3 which provides that approvals may “only” be granted by the District’s board of directors.

2. Said Master Pathway Agreement is hereby affirmed and shall remain in full force and effect except as modified by this Addendum. The District and City acknowledge and agree that each are bound by the covenants, conditions and agreements contained in said Master Pathway Agreement.

IN WITNESS WHEREOF, the District and City have hereunto caused their names to be subscribed as of the day and year herein first above written.

NAMPA & MERIDIAN IRRIGATION DISTRICT

By _____
Its President

ATTEST:

Its Secretary

STATE OF IDAHO)
) ss:
County of Canyon)

On this ____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Will Patterson and Michael Comeskey, known to me to be the President and Secretary, respectively, of NAMPA & MERIDIAN IRRIGATION DISTRICT, the irrigation district that executed the foregoing instrument and acknowledged to me that such irrigation district executed the same.

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

Notary Public for Idaho
Residing at _____, Idaho
My Commission Expires:_____

CITY OF MERIDIAN,

By _____

ATTEST:

STATE OF IDAHO)
)ss.
County of Ada)

On this _____ day of _____, 2023, before me, the undersigned, a notary public in and for said state, personally appeared _____ and _____, known to me to be the _____ and _____, respectively, of CITY OF MERIDIAN, the political subdivision and municipality that executed the foregoing instrument, and acknowledged to me that such entity executed the same.

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

Notary Public for _____
Residing at _____,
My Commission Expires: _____