TO: ACHD Commission, Director Wong
FROM: Gary Inselman, Development Services Manager
SUBJECT: Interagency License Agreement Addendum
MEETING DATE: March 15, 2017

FACTS & FINDINGS:

1. The City of Kuna (“Licensee”) desires to use the Right-of-Way for the limited purposes of installation of pressure irrigation. The original Master Interagency License Agreement was executed on June 16, 2014.

2. The purpose of this Sixth Addendum to Interagency License Agreement is to extend the pressure irrigation system across and under the public rights-of-way of W. Hubbard Rd., between N. Kelsan Ave. and N. Copeland Ave.; W. Ardell Rd between N. Ten Mile Rd. and N. Shayla Ave.; N. Kay St. between E. Boise St. and E 4th St.

3. Idaho Code § 67-2332 expressly authorizes the Licensee and ACHD to enter into agreements to perform any governmental service activity, or undertaking that is authorized by law and within the power, privilege or authority of said agencies.

4. Ada County Highway District Legal staff has reviewed and approved the License Agreement for form and content.

RECOMMENDATION:

1. Approve the License Agreement Addendum and authorize the President to endorse.

ATTACHMENTS:

1. Interagency License Agreement Sixth Addendum
THIS SIXTH ADDENDUM TO MASTER LICENSE AGREEMENT FOR A MUNICIPAL PRESSURE IRRIGATION SYSTEM WITHIN THE PUBLIC RIGHTS-OF-WAY (the “Sixth Addendum to Master License Agreement”) is made and entered into this ____ day of March, 2017 by and between ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho (hereinafter referred to as “ACHD” or “Licensor”) and the CITY OF KUNA, IDAHO, an Idaho municipal corporation, (hereinafter referred to as “City of Kuna” or “Licensee”); WITNESSETH:

RECITALS

A. The parties entered into a Master License Agreement for a Municipal Pressure Irrigation System Within the Public Rights-of-Way dated June 16, 2014 and recorded in the records of Ada County as Instrument No. 2014-079818 ("Master License Agreement").

B. The Master License Agreement indicated that the term “Pressure Irrigation System” shall mean the City of Kuna’s pressure irrigation system that lies within the Public Right-of-Way as described in Exhibit A to the Master License Agreement and extensions of the Pressure Irrigation System shall be referred to as an addendum commencing with “Addendum No. 1”.

C. By this Sixth Addendum to Master License Agreement, the parties desire to incorporate into the Master License Agreement the following: (1) letter of request dated February 1, 2017, attached hereto as Exhibit “A”; and (2) the Construction Plans for pressure irrigation facilities which are to be owned and operated by the City of Kuna, generally located in the public right-of-way of West Hubbard Road: North Kelsan Ave. to North Copeland Ave., West Ardell Road: North Ten Mile Road to North Shayla Ave., and North Kay Street: East Boise Street to East 4th Street, as depicted on said Construction Plans which are attached hereto as Exhibit “B”.

SIXTH ADDENDUM TO MASTER LICENSE AGREEMENT - 1
AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, and in consideration of the recitals, which are incorporated in this Sixth Addendum to Master License Agreement and in consideration of the premises and the agreements hereinafter contained, ACHD and the City of Kuna agree as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Sixth Addendum to Master License Agreement.

1.1 The terms “Right-of-Way” and “Pressure Irrigation System” as referred to in Section 1 of the Master License Agreement recorded in the records of Ada County as Instrument No. 2014-079818 shall include the City of Kuna’s pressure irrigation system that lies within the Public Right-of-Way as depicted in Construction Plans for pressure irrigation facilities which are to be owned and operated by the City of Kuna, generally located in the public right-of-way for West Hubbard Road: North Kelsan Ave. to North Copeland Ave., West Ardell Road: North Ten Mile Road to North Shayla Ave., and North Kay Street: East Boise Street to East 4th Street, attached hereto as Exhibit “B”.

SECTION 2. LICENSE, REVOCABLE AND NON-EXCLUSIVE.

2.1 Pursuant to Sections 2 and 6 of the Master License Agreement, ACHD hereby grants and extends to Licensee a license for extension of the Pressure Irrigation System across and under the public right-of-way for West Hubbard Road: North Kelsan Ave. to North Copeland Ave., West Ardell Road: North Ten Mile Road to North Shayla Ave., and North Kay Street: East Boise Street to East 4th Street, which are to be owned and operated by the City of Kuna, attached hereto as Exhibit “B”, and such license shall include the uses, terms and conditions set forth in Master License Agreement.

SECTION 3. Restatement of Master License Agreement. All terms and conditions of the Master License Agreement, except as modified by this Sixth Addendum to Master License Agreement, shall apply to, and are hereby incorporated into this Sixth Addendum to Master License Agreement as if fully set forth herein.

SECTION 4. Miscellaneous.

4.1 Binding Effect.
This Sixth Addendum to Master License Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

4.2 Attorneys' Fees.

Should any party find it necessary to employ an attorney for representation in any action seeking enforcement of any of the provisions of this Sixth Addendum to Master License Agreement, or to protect its interest in any matter arising under these agreements, or to recover damages for the breach of these agreements, or to resolve any disagreement in interpretation of these agreements, the unsuccessful party in any final judgment entered therein agrees to reimburse the prevailing party for all reasonable costs, charges and expenses, including attorneys' fees, expended or incurred by the prevailing party in connection therewith and in connection with any appeal, and the same may be included in such judgment.

4.3 Counterparts.

This Sixth Addendum to Master License Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Sixth Addendum to Master License Agreement the day and year first above written.

CITY OF KUNA:

CITY OF KUNA, an Idaho Municipal corporation

By: _______________________

Its:

ACHD

ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho

By: _______________________

Its:
STATE OF IDAHO  )
               ) ss.
County of Ada  )

On this _____ day of ______________, 2017, before me,___________________________, a Notary Public in and for the State of Idaho, personally appeared ____________________________, known or identified to me to be the _________ of the City of Kuna, the person who executed this instrument on behalf of said City, and acknowledged to me that the City of Kuna executed the same.

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

________________________________
Notary Public for Idaho
Residing at: ________________
My commission expires: __________

STATE OF IDAHO  )
               ) ss.
County of Ada  )

On this _____ day of ______________, 2017, before me,___________________________, a Notary Public in and for the State of Idaho, personally appeared, ____________________________, known or identified to me to be the ________________ of the Ada County Highway District, the person who executed this instrument on behalf of said District, and acknowledged to me that the Ada County Highway District executed the same.

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

________________________________
Notary Public for Idaho
Residing at: ________________
My commission expires: __________
The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
February 1, 2017

Ms. Karen Strauss, P.E.
c/o Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714

Re: Master License Agreement – City of Kuna/ACHD - Addendum No. 5
Pressure Irrigation Facilities in Right-of-way
  West Hubbard Road: North Kelsan Ave. to North Copeland Ave.
  West Ardell Road: North Ten Mile Road to North Shayla Ave.
  North Kay Street: East Boise Street to East 4th Street

Dear Ms. Strauss;

Pursuant to that certain Master License Agreement, by and between the City of Kuna and Ada County Highway District, the City of Kuna hereby requests an Addendum to said Agreement to be titled ADDENDUM NO. 5. The Addendum shall consist of two exhibits, namely:

1. This letter of Request; and
2. A PDF format copy of construction plans previously reviewed and approved by the City Engineer of the City of Kuna. Also, the plans have been submitted previously to ACHD for their review.

Project – The project is sponsored by the City of Kuna and the pressure irrigation facilities depicted are to be owned and operated by the City of Kuna. The City of Kuna owns and operates a municipal pressure irrigation system in compliance with Title 50, Chapter 18 of Idaho State Code and generally is doing business under the name of KUNA MUNICIPAL IRRIGATION DISTRICT.

Project Location – The project is located in ACHD right-of-way. The portions of right-of-way affected are West Hubbard Road from North Kelsan Avenue to North Copeland Avenue; West Ardell Road from North Ten Mile Road to North Shayla Avenue; and North Kay Street from East Boise Street to East 4th Street.

The two exhibits are being transmitted electronically via e-mail. If there are questions concerning this request, feel free to contact the City Engineer at 287-1727.

Sincerely,

Gordon N. Law
Kuna City Engineer

Attachment (Drawings: City of Kuna, Idaho-2017 Water and Pressure Irrigation Mains Projects)
PUMPING AND BLEEDING

1. All water lines shall be constructed to conform with standards set forth in the "IPS" rules for public drinking water systems. The "IPS" rules are based on state and federal guidelines for constructing water systems. The complete set of rules can be found in Section 806 of the Idaho Administrative Code.

2. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

3. All bids shall be obtained for the installation of new water service connections. The bids shall include the cost of labor, materials, and any necessary permits.

4. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

5. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

6. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

7. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

8. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

9. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

10. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

11. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

12. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

13. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

14. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

15. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

16. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

17. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

18. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

19. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.

20. All new water service connections shall be installed in accordance with the "IPS" rules. The service line shall be adequate to deliver water at the required pressure and flow rate. The service line shall be constructed with materials that are resistant to corrosion and fouling.
1. EXISTING PIPES ARE FROM RECORD DRAWINGS AND SURVEY. CONTRACTOR TO FIELD VERIFY LOCATIONS, PIPE SIZES, AND ELEVATIONS PRIOR TO PURCHASING CONNECTING PIPES.

2. PRIOR TO CONSTRUCTION CONTRACTOR TO PLOT IN A NON-Destructive MANNER EXISTING UTILITIES TO VERIFY LOCATION & DEPTH. WHERE EXISTING UTILITIES WILL BE ENCOUNTERED IT IS RECOMMENDED THAT THE CONTRACTOR HIRE A VACUUM TRUCK TO EXCAVATE FOR MATERIAL EXCAVATION IN OSO AREAS.

3. AREAS DISTURBED BY CONSTRUCTION WHERE SURFACE REPAIR IS NOT INDICATED SHALL BE RESTORED TO CONDITION EQUAL OR BETTER THAN Prior TO CONSTRUCTION.

4. INSTALL FITTINGS TO DEFLECT PIPE HORIZONTALLY AND VERTICALLY, WHERE POSSIBLE USE PIPE DEFLECTIONS IN JOINTS TO MINIMIZE USE OF FITTINGS. DO NOT DEFLECT PIPE GREATER THAN 15 DEGREES. MAXIMUM RECOMMENDED ANGLE, WHERE AVAILABLE Fitting angle, spread joint DEFOCATION OVER MULTIPLE PIPE JOINTS TO ACHIEVE NEEDED ANGLE.

5. PROVIDE CONCRETE THRUST BLOCKS AT EACH VERTICAL OR HORIZONTAL CHANGE. IN DIRECTION. RE: BSIP 913.4.

Plans Are Accepted For Public Street Construction
Kuna, Idaho

2017 WATER AND PRESSURE IRIGATON MAINS PROJECT
SEGMENT 1 - HUBBARD ROAD
STA 1+00 TO STA 5+00

City of Kuna, Idaho

PROJECT NO. 214112-003
SHEET NO. C-101
Plans Are Accepted For Public Street Construction

By stamping and signing the improvement plans, the Registered Engineer ensures the District that the plans conform to all District policies and standards. Variances or waivers must be specifically and precisely approved by the District in writing. Acceptance of the improvement plans by the District does not relieve the Registered Engineer of these responsibilities.

KUNA CITY ENGINEER

OFFICIAL 1-27-2017

DATE

GENERAL SHEET NOTES

1. EXISTING PIPELINES FROM RECORD DRAWINGS AND SURVEY. CONTRACTOR TO FIELD VERIFY LOCATIONS, PIPE, SIZES, AND ELEVATIONS PRIOR TO PURCHASING CONNECTING PARTS.

2. PRIOR TO CONSTRUCTION CONTRACTOR TO POTHOLE IN NON-DESTRUCTIVE MANNER EXISTING UTILITIES TO VERIFY LOCATION & DEPTH, WHERE EXISTING UTILITIES WILL BE EXCAVATED IT IS RECOMMENDED THAT THE CONTRACTOR HAND DIG OR VACUUM TruCK EXCAVATE FOR MATERIAL EXCAVATION IN THESE AREAS.

3. AREAS DISTURBED BY CONSTRUCTION WHERE SURFACES ARE NOT RESTORED TO CONDITION EQUAL, OR BETTER, THAN PRIOR TO CONSTRUCTION.

4. INSTALL FITTING TO DEFLECT PIPE HORIZONTALLY AND VERTICALLY WHERE POSSIBLE USE PIPE AND ELBOWS IN JOINTS TO EVEN PIPE. MAXIMUM DEFLATION ANGLE WHERE PIPE ANGLE IS GREATER THAN 90% OF SMALLEST AVAILABLE FITTING ANGLE. SPREAD J OINT DEFLATION OVER MULTIPLE PIPE JOINTS TO ACHIEVE NECESSARY ANGLE.

5. PROVIDE CONCRETE THRUST BLOCKS AT EACH VERTICAL OR HORIZONTAL CHANG IN DIRECTION, RE: BNP C 110 A.

SHEET KEYNOTES

10 PPE - 10" PVC, CMR DRIVER
11 VALVE - 10" Gate valve with Valve Box & Lid, Re: A/YC 502
12 FITTING - 10" Cross
13 FITTING - 10" Blind Flange (North & South Leg of 10" Cross)
30 TYPE "S" SURFACE REPAIR
71 REPLACE TRAFFIC MARKINGS AS REQUIRED, Re: BNP C 110 A, ACID REQUIREMENTS
93 RETAIN & PROTECT EXISTING SIGN
94 RETAIN & PROTECT EXISTING FENCE
95 RETAIN & PROTECT EXISTING MAILBOX
96 RETAIN & PROTECT EXISTING UTILITIES

City of Kuna, Idaho

2017 WATER AND PRESSURE IRRIGATION MAINS PROJECT
SEGMENT 1 - HUBBARD ROAD
STA 10+00 TO STA 15+00

PROJECT NO.
214112-003
SHEET NO.
C-103
Planes Are Accepted For Public Street Construction

By stamping and signing the Improvement plans, the Registered Engineer assures the District that the plans conform to all District policies and standards. Variances or waivers must be specifically and previously approved by the District in writing. Acceptance of the Improvement plans by the District does not relieve the Registered Engineer of these responsibilities.

Kuna City Engineer

2017 WATER AND PRESSURE IRIGATION MAINS PROJECT
SEGMENT 2 - ARDELL ROAD
STA 1+00 TO STA 5+00

City of Kuna, Idaho

KELLER ASSOCIATES
214112-003
C-201
APPROVED
KUNA CITY ENGINEER

Plans Are Accepted For Public Street Construction

Approved By:

Official Date: 1-23-2017

By:

Ada County Highway District

Sheet Keywords:

12 PIPE - 12" PVC CAT/DWR
27 FITTING - 12" TC
28 FITTING - 12" BLIND FLANGE
27 VALVE - 12" DATE WITH VALVE BOX & LID, RE: AVC-992
22 PRESSURE IRIGATION MAIN LINE AIR RELEASE, RE: AVC-981
30 TYPE 4" SURFACE REPAIR
78 POTABLE NON-POTABLE CROSSING, RE: EPWC 20-407
99 RETAIN & PROTECT EXISTING MAILBOX
99 RETAIN & PROTECT EXISTING UTILITIES

City of Kuna, Idaho

2017 WATER AND PRESSURE IRIGATION MAINS PROJECT
SEGMENT 2 - ARDELL ROAD
STA 5+00 TO STA 10+00

PROJECT NO.
214112-003

SHEET NO.
C-202
Plans Are Accepted For Public Street Construction

By stamping and signing the improvement plans, the Registered Engineer ensures the District that the plans conform to all District policies and standards. Variances or waivers must be specifically and previously approved by the District in writing. Acceptance of the improvement plans by the District does not relieve the Registered Engineer of these responsibilities.

APPROVED
KUNA CITY ENGINEER

By

DATE
2-23-17

RAW TEXT END
Plans Are Accepted For Public Street Construction

By stamping and signing the improvement plans, the Public Works Engineer authorizes the District that the plans conform to all District policies and standards. Variations or waivers must be specifically and previously approved by the District in writing. Acceptance of the improvement plans by the District does not relieve the Registered Engineer of these responsibilities.

By: Kellen Espina
ADA COUNTY HIGHWAY DISTRICT

DATE 2-23-17

KELLER ASSOCIATES

City of Kuna, Idaho

2017 WATER AND PRESSURE IRRIGATION MAINS PROJECT
SEGMENT 2 - ARDELL ROAD
STA 15+00 TO END

PROJECT NO. 214112-003
DRAWING NO. C-204
**GENERAL SHEET NOTES**

1. EXISTING PIPELINES AND STRUCTURES MUST BE PREVIOUSLY VERIFIED LOCATION, PIPE SIZES, AND ELEVATIONS PRIOR TO PURCHASING CONNECTING PARTS.

2. PRIOR TO CONSTRUCTION CONTRACTOR TO POST-HOKE IN A NON-Destructive MANNER EXISTING UTILITIES TO VERIFY LOCATION & DEPTH. WHERE EXISTING UTILITIES WILL BE ENCROACHED IT IS RECOMMENDED THAT THE CONTRACTOR HAND DIG OR VACUUM TRUCK EXCAVATE FOR MATERIAL EXCAVATION IN THESE AREAS.

3. AREAS DISTURBED BY CONSTRUCTION WHERE SURFACE REPAIR IS NOT INDICATED SHALL BE RESTORED TO CONDITION EQUAL TO OR BETTER THAN PRIOR TO CONSTRUCTION.

4. INSTALL FITTINGS TO DEFLECT PIPE HORIZONTALLY AND VERTICALLY WHERE POSSIBLE USE PIPE DEFLECTIONS IN JOINTS TO MINIMIZE USE OF FITTINGS. DO NOT DEFLECT PIPE GREATER THAN 1/2 OF MANUFACTURER'S RECOMMENDED ANGLE, WHERE ANGLE IS GREATER THAN 60% OF SMALLEST AVAILABLE FITTING ANGLE, SPREADS JOINT DEFORMATION OVER MULTIPLE PIPE JOINTS TO ACHIEVE NECESSARY ANGLE.

5. PROVIDE CONCRETE THRUST BLOCKS AT EQUILIBRIUM OR HORIZONTAL CHANGE IN DIRECTION, RE: ISPWC 1193.

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**SHEET KEYNOTES**

- **10**: PIPE: 3" PVC, GLAND Packed
- **20**: VALVE 12" Gate with Valve Box & Lid, RE: ISPWC 60-480
- **30**: TYPE "P" SURFACE REPAIR
- **57**: CONNECT EXISTING PIPELINE, FITTINGS AS REQUIRED
- **71**: REPLACE TRAFFIC MARKINGS AS REQUIRED, RE: ISPWC 1194; ACHD REQUIREMENTS
- **98**: RETAIN & PROTECT EXISTING UTILITIES

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**PLANS ARE ACCEPTED FOR PUBLIC STREET CONSTRUCTION**

By stamping and signing the improvement plans, the Registered Engineer attests that the plans conforms to all District policies and standards. Variations or waivers must be specifically and previously approved by the District in writing. Acceptance of the improvement plans by the District does not relieve the Registered Engineer of their responsibilities.

**By:** [Signature] DATE: 2-23-17

4DA COUNTY HIGHWAY DISTRICT

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**APPROVED**

KUNA CITY ENGINEER

OFFICIAL DATE: 1-31-17

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**IRRIGATION MAINS PROJECT**

City of Kuna, Idaho

2017 WATER AND PRESSURE

SEGMENT 4 - DEER FLAT ROAD & HWY 69

STA 1+00 TO STA 6+00

PROJECT NO: 214112-003

ARCHIVABLE SHEET C-401