



ORIGINAL IN RED

FIFTH AMENDMENT  
TO  
JOINT POWERS AGREEMENT

THIS FIFTH AMENDMENT TO JOINT POWERS AGREEMENT is made and entered into this 5 day of September, 2006, by and between BLAINE COUNTY, a political subdivision of the State of Idaho (the "County"), and the CITY OF HAILEY, an Idaho municipal corporation located within the County (the "City").

MARSHA RIEMANN  
Ex-Officio Recorder Deputy *[Signature]*  
Index to: COMMISSIONER AGREEMENTS

Fee: 0.00

**Instrument # 539615**  
HAILEY, BLAINE, IDAHO  
2006-09-13 03:40:00 No. of Pages: 3  
Recorded for : BLAINE COUNTY COMMISSIONERS

RECITALS:

On the 16<sup>th</sup> day of May, 1994, the City and County entered into a Joint Powers Agreement which created the Friedman Memorial Airport Authority (the "Agreement").

On the 27<sup>th</sup> day of March, 1996, the City and County entered into an Amendment to Joint Powers Agreement.

On the 8<sup>th</sup> day of July, 1996, the City and County entered into a Second Amendment to Joint Powers Agreement.

On the 7<sup>th</sup> day of October, 1998, the City and County entered into a Third Amendment to Joint Powers Agreement.

On the 5<sup>th</sup> day of June, 2000, the City and County entered into a Fourth Amendment to Joint Powers Agreement.

On the 29<sup>th</sup> day of August, 2006, the City and County entered into another Fourth Amendment to Joint Powers Agreement which was mistakenly designated.

The powers granted by the Agreement to the Friedman Memorial Airport Authority ("the Authority") by the City and County do not include the power to exercise the right of eminent domain granted to the City and County by the Constitution of the State of Idaho and by Titles 7

and 21 of the Idaho Code.

The City and County wish to authorize and grant to the Authority the power of eminent domain for the specific purpose of obtaining an interest in the Runway 31 Runway Protection Zone which will enable the Authority to utilize the six hundred (600) foot addition on the south end of the runway at Friedman Memorial Airport.

The City and County wish to rescind and cancel the Fourth Amendment to Joint Powers Agreement dated August 29, 2006.

NOW, THEREFORE, the City and County do hereby agree as follows:

1. The mistakenly designated Fourth Amendment to Joint Powers Agreement dated August 29, 2006 and recorded as Instrument No. 539052, records of Blaine County, Idaho, is hereby rescinded, cancelled and of no further force and effect.

2. That Article IV of the Agreement shall be amended to include a new paragraph 4.1.22, which shall read as follows:

#### ARTICLE IV

#### POWERS OF THE BOARD

##### Section 4.1: POWERS

22. To exercise the power of eminent domain necessary to obtain an interest in the Runway 31 Runway Protection Zone in order to obtain and maintain a 20:1 approach slope on the south end of the runway at Friedman Memorial Airport. Said interest shall be sufficient to meet the requirements of the Federal Aviation Administration in order to allow the Authority to open and utilize the southern most 600 feet of pavement of the runway at Friedman Memorial Airport.

All of the other terms and conditions of said JOINT POWERS AGREEMENT and the amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this FIFTH AMENDMENT  
TO JOINT POWERS AGREEMENT on the day and year first above written.

BLAINE COUNTY, IDAHO

By Sarah Michael  
Sarah Michael, Chairman

Dennis Wright  
Dennis Wright, Commissioner

Absent  
Tom Bowman, Commissioner

ATTEST:

BLAINE COUNTY CLERK

By Marsha Riemann  
Marsha Riemann



CITY OF HAILEY

By Susan McBryant  
Susan McBryant, Mayor

ATTEST:

HAILEY CITY CLERK

By Heather Dawson  
Heather Dawson

