FILE COPY

C89-144

AG No. 79-434
ECS File No. JPA 79-21
Section: (SR 101L)
First Street-Baseline Road

AMENDMENT
TO
MAINTENANCE AGREEMENT

BETWEEN
STATE OF ARIZONA
AND
CITY OF TEMPE
Original Secretary of State File No. 5440

THIS AMENDMENT is entered into 27 July, 1989, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and CITY OF TEMPE, acting by and through its City Council ("City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Sections 11-952 and 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and by Part I, Section 1.03 of its City Charter to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the City.

3. In consideration of the mutual promises made herein between the State and the City, consummated on July 16, 1979, it is agreed by both parties that the following additions be incorporated into said AGREEMENT:

NO. 5440.
FILED WITH SECRETARY OF STATE
Date Filed 7-27-89.
Jim Shumway
Secretary of State
By B. Wermelhoir

(1) The following intersections and roadways shall be added to Exhibit C and as delineated on map C-1 Amendment.

SR 101L and First Street

SR 101L and University Drive

SR 101L and Victory Drive

SR 101L and Apache Boulevard

SR 101L and Broadway Road

SR 101L and Southern Avenue

SR 101L and Baseline Road

Price Road/West Frontage Road and Price Road/East Frontage Road between First Street and Baseline Road.

State will:

(2) Item 1 of said AGREEMENT shall be amended as follows:

(h) Construct privacy walls between Price Road/East Frontage Road and adjacent property to the east as delineated in map C-1 Amendment.

(i) Furnish vinyl clad fencing for bridges on roadways delineated in Item no. 1 above.

City will:

(3) Item 2 of said AGREEMENT shall be amended as follows:

(h) Maintain and replace privacy walls between the Price Road/East Frontage Road and adjacent property to the east as shown in map C-1 Amendment (after initial installation).

(i) Maintain and replace vinyl clad fencing on bridges as shown in Exhibit C-1 Map Amendment (after initial installation).

IN WITNESS WHEREOF, the parties have executed this Amendment the day and year first below written.

CITY OF TEMPE

By: Harry E. Mitchell
HARRY MITCHELL
Mayor

STATE OF ARIZONA
Department of Transportation

By: Gary K. Robinson
GARY K. ROBINSON
Chief Deputy State Engineer

Attest

Helen R. Fowler
City Clerk

Approved As to Form
Date: 6-29-81
By: David R. Merkel
Tempe City Attorney's Office

9007j
20JUN

EXHIBIT "A"

RESOLUTION

Be it resolved on this date, June 28, 1979, I, WILLIAM A. ORDWAY, the below undersigned Director, Department of Transportation, have determined that it is to be to the advantage of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, and the CITY OF TEMPE, acting by and through its CITY COUNCIL, enter into the Intergovernmental Agency agreement for the purpose of entering in a maintenance agreement for certain highways which traverse the CITY OF TEMPE, and request the CITY to perform certain work and supply necessary materials required to maintain the specified highways in the manner specified in the attached agreement, and I hereby authorize the Assistant Director, Highways Division to execute said Agreement.

W. A. Ordway

WILLIAM A. ORDWAY, Director
Department of Transportation

APPROVAL OF THE CITY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TEMPE and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 19th day of July, 1989.

CIty Attorney

1979j

RESOLUTION NO. 89.42

A RESOLUTION OF THE COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND BETTERMENTS ON THE FRONTAGE ROADS OF THE OUTER LOOP FREEWAY, S.R. 101

WHEREAS, with the construction of the Outer Loop Freeway by the State of Arizona, Department of Transportation, it will be necessary to construct Frontage Roads and other improvements.

WHEREAS, with the construction of the Outer Loop Freeway, the City of Tempe has requested that certain design features be incorporated into the design.

WHEREAS, the State of Arizona is empowered by Section 28-108 Arizona Revised Statutes, and the City of Tempe is empowered by Section 48-572B, Arizona Revised Statutes, and Tempe City Charter Article I, Section 1.03, to enter into an intergovernmental agreement setting forth the conditions for the operation and maintenance of the Frontage Roads and other improvements.

NOW THEREFORE, be it resolved by the City Council of the City of Tempe:

That the Mayor is authorized to execute said amendment to the intergovernmental agreement with the State of Arizona, Department of Transportation, for the operation and maintenance of the Outer Loop Freeway, S.R. 101, Frontage Roads.

PASSED AND ADOPTED by the Mayor and City Council of the City of Tempe, this 29th day of June, 1989.

Harry E. Mitchell
MAYOR

ATTEST:

Helen R. Fowler
CITY CLERK

APPROVED AS TO FORM:

David R. Merkel
CITY ATTORNEY

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be a true and exact copy of Resolution Number 89.42, passed and adopted at the Regular Council Meeting of June 29, 1989, by the Tempe City Council, Tempe, AZ.

DATED this 3rd day of July, 1989.

Helen R. Fowler
Helen R. Fowler, CMC
City Clerk

Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. AG NO. 79-434 is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

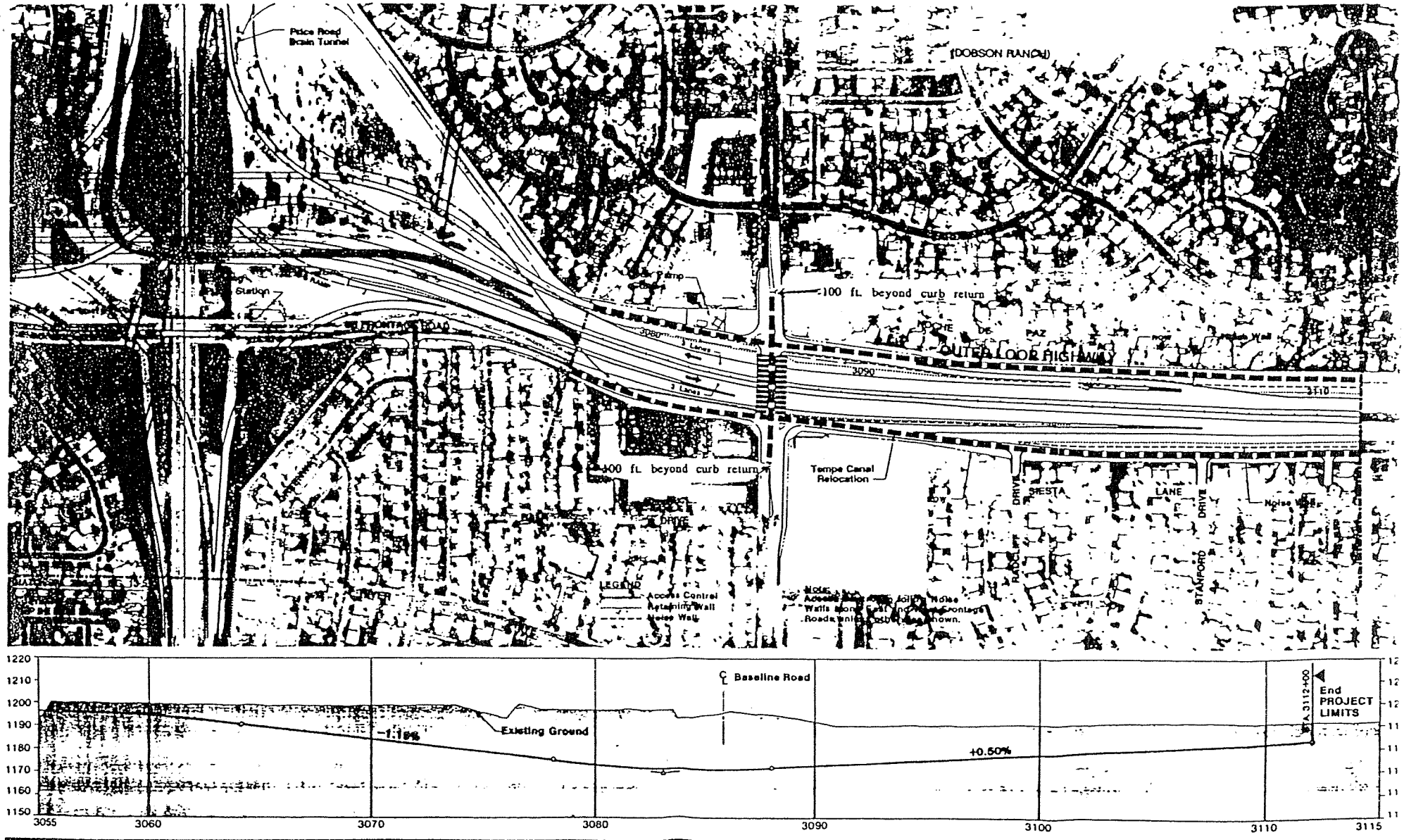
No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 21 day of July, 1989.

ROBERT K. CORBIN
Attorney General

Albert Morgan
Assistant Attorney General
Transportation Division

3658G



Outer Loop Highway

prepared by DeLeuw, Cather & Company, Management Consultant for the

ARIZONA DEPARTMENT OF TRANSPORTATION

SCALE IN FEET

VERTICAL: 0 40 80 120

HORIZONTAL: 0 400 800 1200

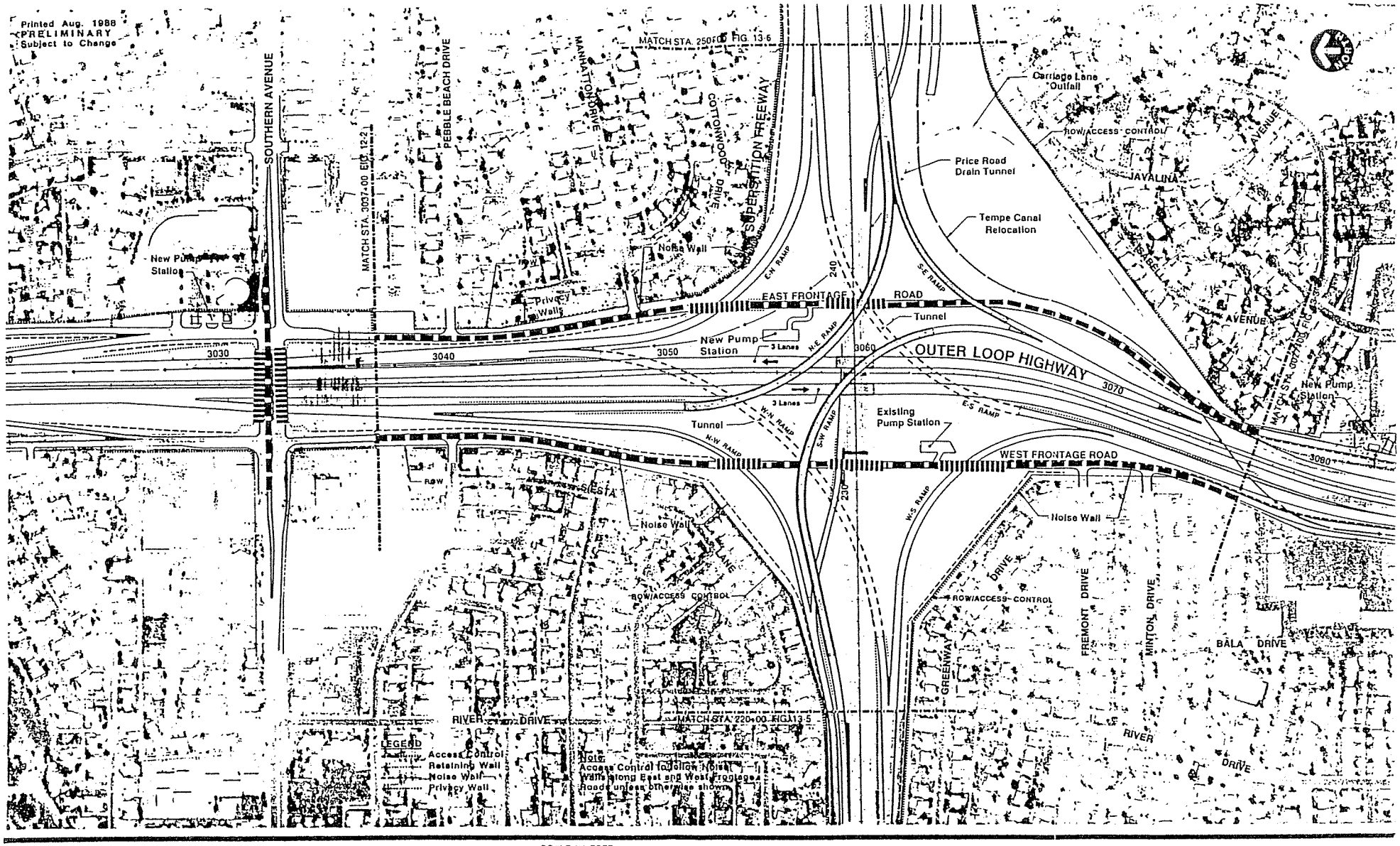
STATE Major Maintenance/ CITY Routine Maintenance

Vinyl clad fence

MAP C-1

FIGURE 13

BASELINE ROAD INTERCHANGE ARE

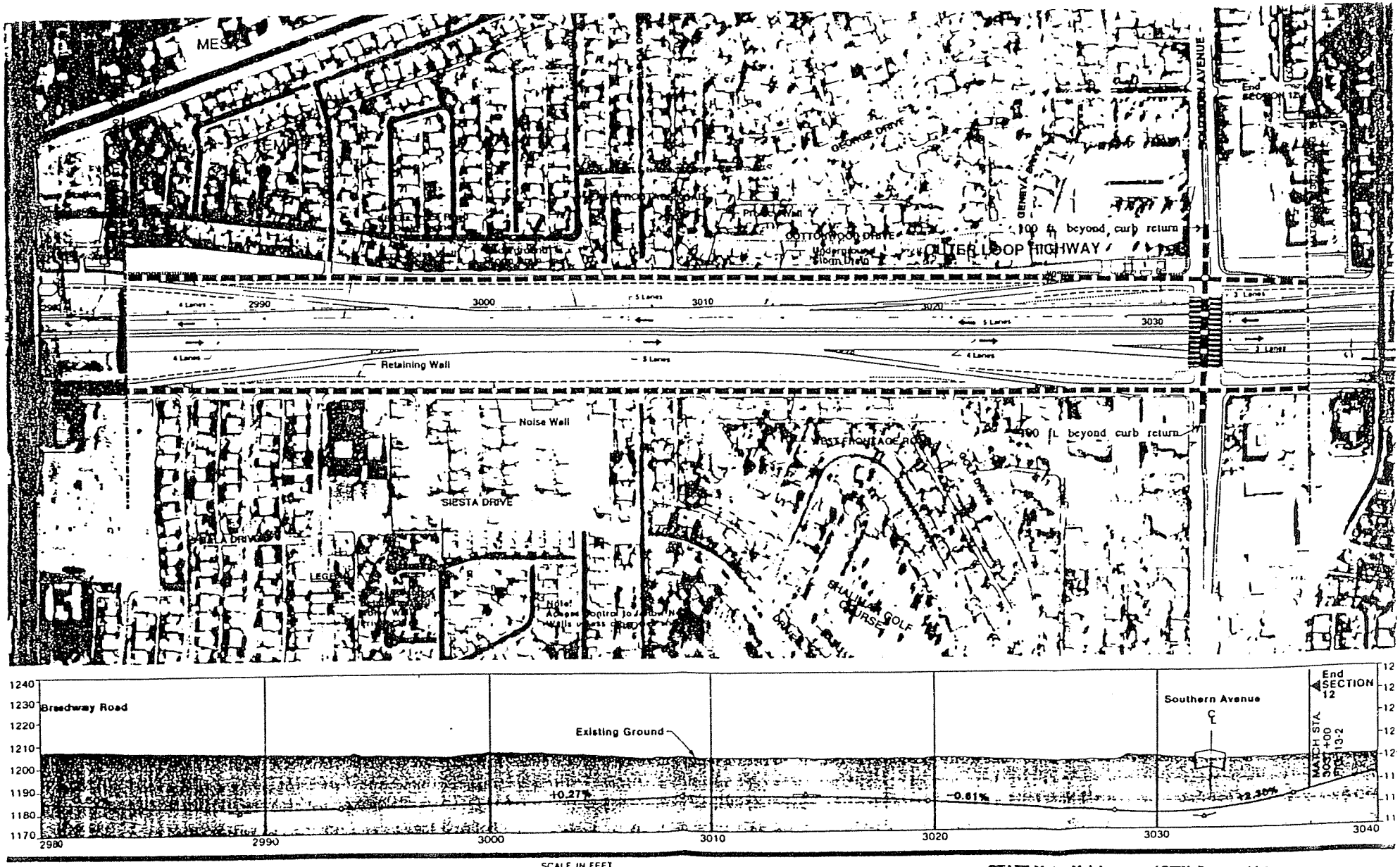


Outer Loop Highway

prepared by DeLeuw, Cather & Company, Management Consultant for the
ARIZONA DEPARTMENT OF TRANSPORTATION

FIGURE 13-

SOUTHERN AVENUE INTERCHANGE
AND SUPERSTITION OVERPASS AREAS



Outer Loop Highway

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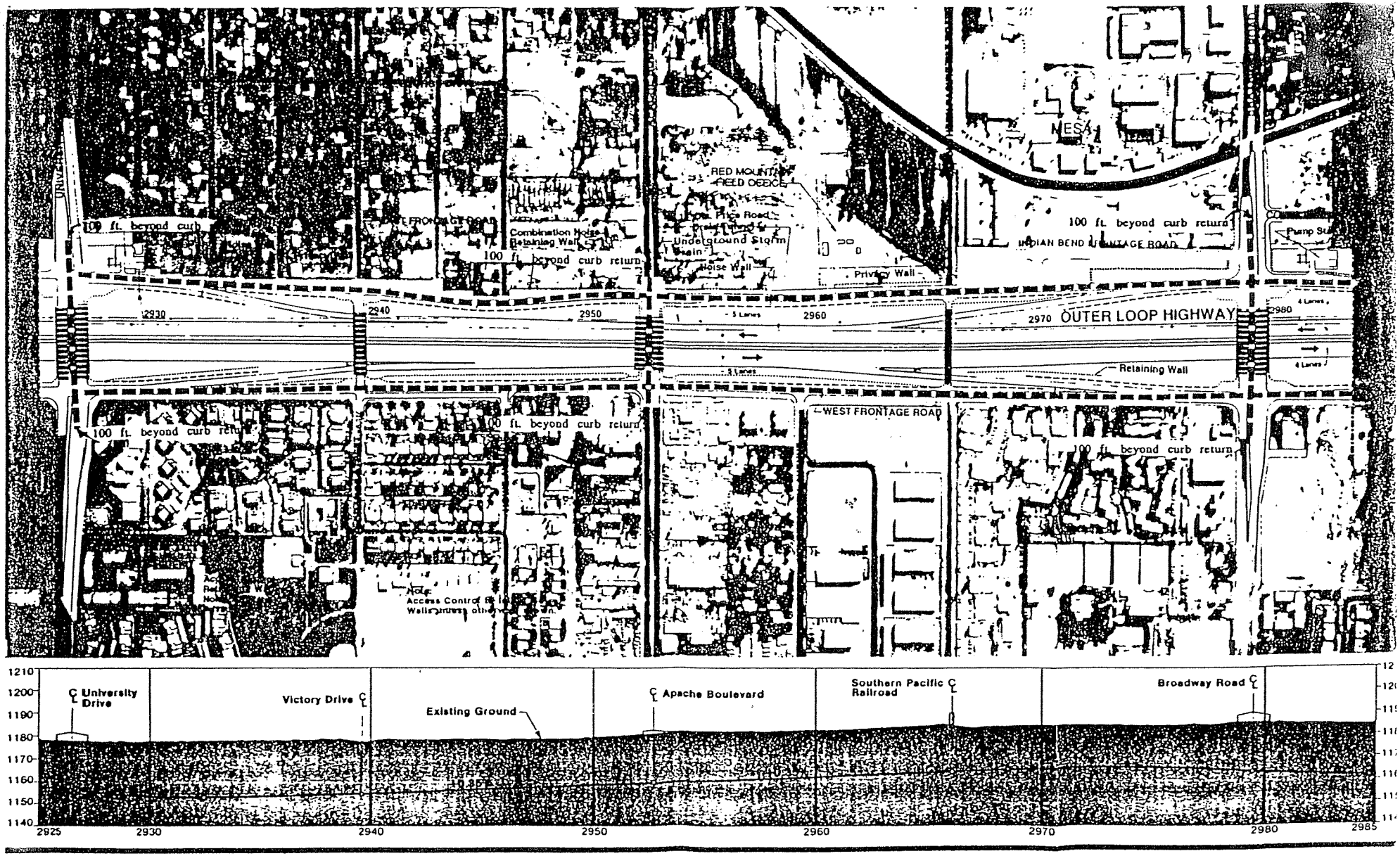
ARIZONA DEPARTMENT OF TRANSPORTATION

SCALE IN FEET
VERTICAL 0 40 80 120
HORIZONTAL 0 400 800 1200

STATE Major Maintenance / CITY Routine Maintenance
Vinyl clad fence

MAP C-1

FIGURE 12
SOUTHERN AVENUE INTERCHANGE ARE



Outer Loop Highway

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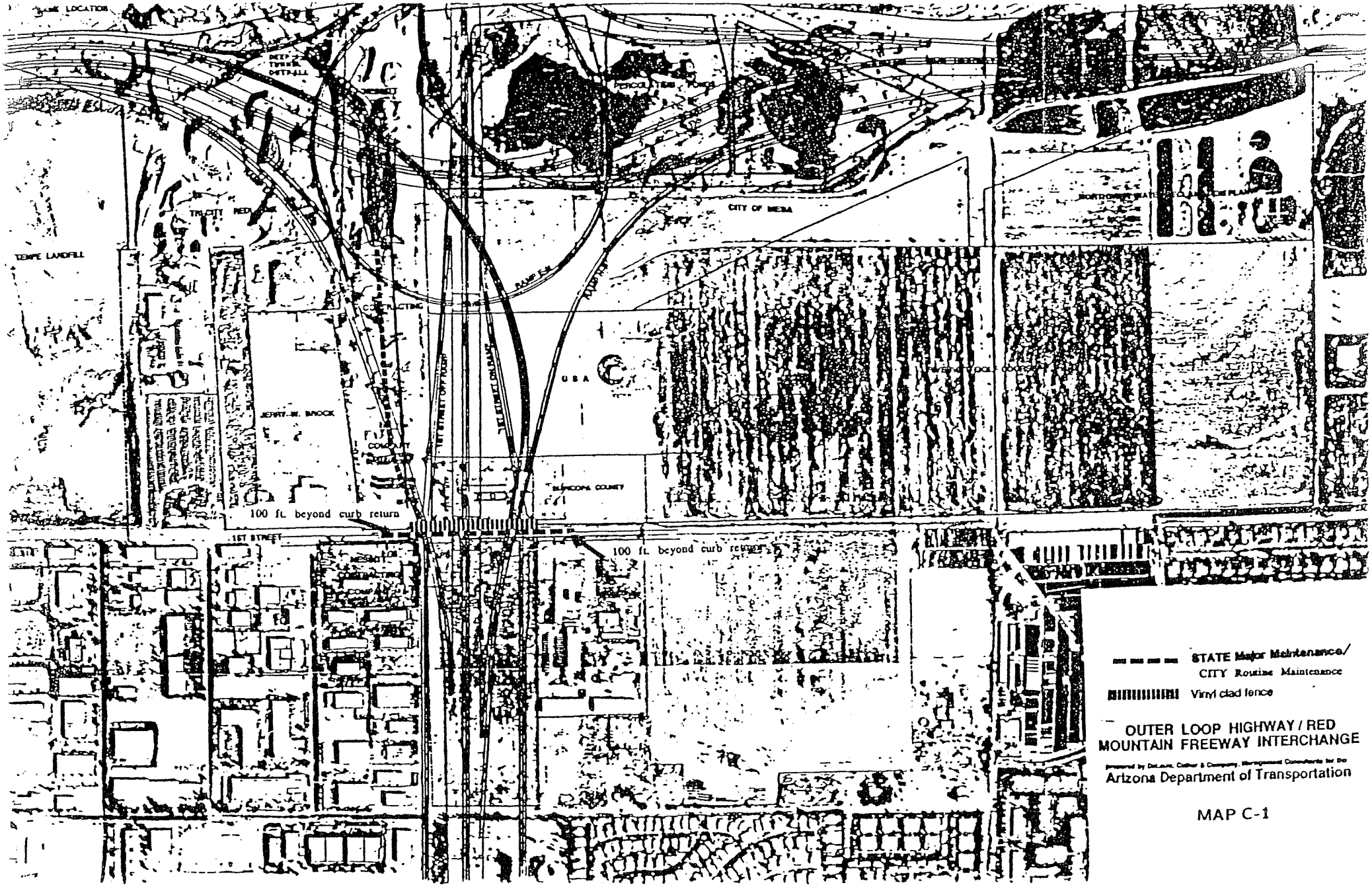
ARIZONA DEPARTMENT OF TRANSPORTATION

SCALE IN FEET
VERTICAL
0 40 80 120
HORIZONTAL
0 400 800 1200

STATE Major Maintenance/CITY Routine Maintenance
Vinyl clad fence

MAP C-1

FIGURE 12
UNIVERSITY DRIVE AND BROADWAY ROA
INTERCHANGE AREA



OUTER LOOP HIGHWAY / RED MOUNTAIN FREEWAY INTERCHANGE

Prepared by DeLeuw, Cather & Company, Management Consultants for the Arizona Department of Transportation

MAP C-1