Project No.: Santa Fe Bike Path

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF, ARIZONA

THIS AGREEMENT entered into this 13TH day of JANUARY, 1982 between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the City of Flagstaff acting by and through its City Council, hereinafter called "City".

WHEREAS, State is empowered by Section 28-108 Arizona Revised Statutes 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 the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of the State; and

WHEREAS, City is empowered by Section 9-672 Arizona Revised Statutes to enter into this agreement and acting by and through its City Council, 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 City; and

WHEREAS, on the 11th day of June 1981 an agreement was entered into by the State of Arizona and the City of Flagstaff for the purpose of establishing a bike path on a portion of the right of way of U.S. Highway 66 and 89 (also known as Santa Fe Avenue); and

WHEREAS, it is desired to modify said agreement to extend the length of said Bike Path; and

WHEREAS, the route of said Bike Path and its extension requires the use of the existing right of way of U.S. Highway 66 and 89 (Santa Fe Avenue), and

WHEREAS, City has by resolution attached hereto and made a part hereof authorized the extension of the Santa Fe Bike Path.

THEREFORE, the parties hereto agree as follows:

STATE SHALL:

1. Allow City to enter upon the existing right of way of U.S. 66 and 89 for the purpose of constructing extensions to the existing bike path, which said extensions shall be constructed on the southerly side of said highway beginning at Enterprise Avenue and extending westerly to Verde Street and beginning at Fourth Street and extending easterly to the junction with old U.S. 66 near Fanning Drive, and as shown in red on the attached street map.

CITY SHALL:

1. Submit the construction plans to State for approval prior to construction. Bike facilities will be designed in accordance with American Association of State and Transportation Official standards.

2. Acquire any additional right of way necessary to accommodate the approved bicycle plan.

NO. 7164
FILED WITH SECRETARY OF STATE
Date Filed 1-14-83
Secretary of State

5

3. Construct the bicycle path according to the approved plans and the safety measures outlined in State's "Traffic Control Manual for Highway Construction and Maintenance". Construction shall not be within three feet of the southeast curb of Santa Fe Avenue, whenever possible. All signs and markings shall conform to Part IX of the 1978 Manual on Uniform Traffic Control Devices.

4. Be responsible for the operation and maintenance of said system and all costs related thereto. Said costs are to be included in the City's annual budget.

5. Save and hold State harmless from all liability however arising to any and all persons, whether for personal injuries or otherwise and from any claim of any person of damage to or loss of property by reason of anything done or permitted to be done or omitted to be done by City, its agents and employees in and about the area of the bicycle path.

This agreement shall remain in force and effect until terminated by either State or City upon thirty (30) days written notice of that intent, provided however, that the parties hereto shall retain any continuing obligations contemplated by this agreement.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

This agreement shall become effective on the date of filing same with the Secretary of State.

Attached hereto and incorporated herein by reference is a copy of State's Resolution authorizing entry into this agreement, a copy of City's Resolution passed by its City Council, a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and that said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF FLAGSTAFF, ARIZONA

By: _____

Title: Mayor

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: _____
W. O. FORD

Title: Chief Deputy State Engineer

Approved As To Form:

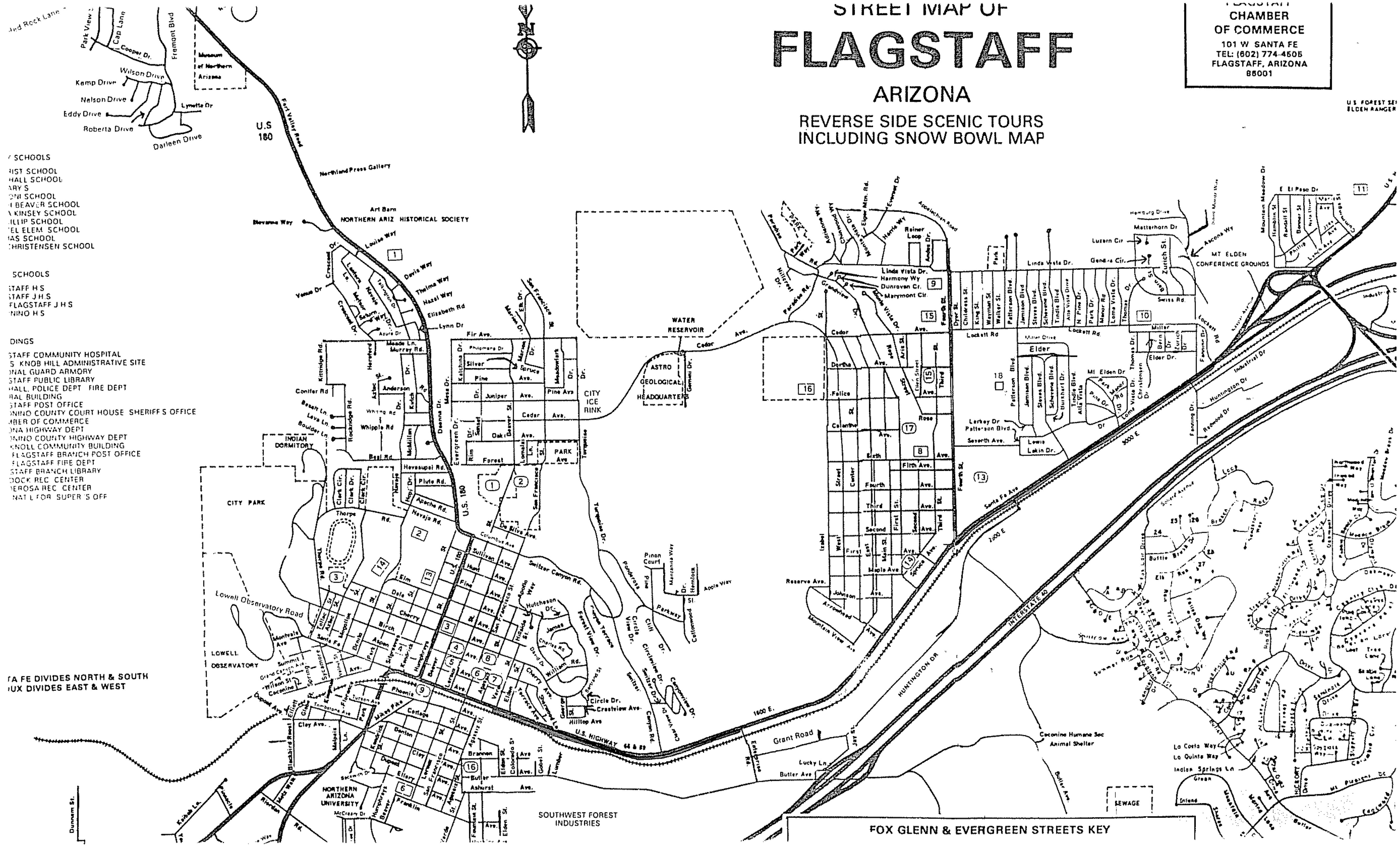
_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

JDC:ea

Reference:
Original Agreement - Secretary of State file number 7164
Attorney General Contract number 79-672



STREET MAP OF
FLAGSTAFF
ARIZONA
REVERSE SIDE SCENIC TOURS
INCLUDING SNOW BOWL MAP
FLAGSTAFF
CHAMBER
OF COMMERCE
101 W. SANTA FE
TEL: (602) 774-4505
FLAGSTAFF, ARIZONA
86001
SCHOOLS
RIST SCHOOL
HALL SCHOOL
ARY S
ONI SCHOOL
BEAVER SCHOOL
KINSEY SCHOOL
ILLIP SCHOOL
TEL ELEM. SCHOOL
IAS SCHOOL
CHRISTENSEN SCHOOL
SCHOOLS
STAFF H S
STAFF J H S
FLAGSTAFF J H S
NINO H S
DINGS
STAFF COMMUNITY HOSPITAL
S. KNOB HILL ADMINISTRATIVE SITE
ONAL GUARD ARMORY
STAFF PUBLIC LIBRARY
HALL, POLICE DEPT. FIRE DEPT
RAL BUILDING
STAFF POST OFFICE
ONINO COUNTY COURT HOUSE SHERIFF'S OFFICE
MBER OF COMMERCE
ONA HIGHWAY DEPT
ONINO COUNTY HIGHWAY DEPT
KNOLL COMMUNITY BUILDING
FLAGSTAFF BRANCH POST OFFICE
FLAGSTAFF FIRE DEPT
STAFF BRANCH LIBRARY
DOCK REC. CENTER
DEROSA REC. CENTER
NAT'L FOR. SUPER.'S OFF
TA FE DIVIDES NORTH & SOUTH
UX DIVIDES EAST & WEST
U.S. 180
Museum of Northern Arizona
Fort Valley Road
Northland Press Gallery
Art Barn
NORTHERN ARIZ. HISTORICAL SOCIETY
WATER RESERVOIR
ASTRO GEOLOGICAL HEADQUARTERS
CITY ICE RINK
INDIAN DORMITORY
CITY PARK
Lowell Observatory Road
LOWELL OBSERVATORY
NORTHERN ARIZONA UNIVERSITY
SOUTHWEST FOREST INDUSTRIES
MT. ELDEN CONFERENCE GROUNDS
U.S. FOREST SER. ELDEN RANGER
Coconino Humane Soc. Animal Shelter
SEWAGE
INTERSTATE 40
HUNTINGTON DR
U.S. HIGHWAY 66 & 89
Santa Fe Ave
Grant Road
Switzer Canyon Rd.
Cedar Ave.
Linda Vista Dr.
Lockett Rd.
Industrial Dr.
FOX GLENN & EVERGREEN STREETS KEY

Project: Santa Fe Bike Path

RESOLUTION

BE IT RESOLVED on this 23 day of September, 1982, that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Flagstaff, Arizona to construct an extension to the Santa Fe Bike Path which utilizes a portion of the right of way for U. S. Highway 66 and U. S. Highway 89 (also known as Santa Fe Avenue).

Therefore, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

W. A. Ordway, Director
Arizona Department of
Transportation

JDC:ea

RESOLUTION NO. 1281

A RESOLUTION AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A JOINT USE AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION ALONG SANTA FE AVENUE.

WHEREAS, the City of Flagstaff has amended the adopted Circulation Element of the General Plan by adopting a bikeway section; and

WHEREAS, the City of Flagstaff has entered into an agreement with the Arizona Department of Transportation in order to utilize State Highway right-of-way for construction of a bikepath to run along Santa Fe Avenue; and

WHEREAS, the agreement cannot be made without official authorization by the City of Flagstaff; and

WHEREAS, the agreement must be amended in order to complete the bikepath.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That the City of Flagstaff be authorized to accept the amendment, to the Arizona Department of Transportation joint use agreement for construction of the "Santa Fe Bikepath."

SECTION 2: That the Mayor of the City of Flagstaff be authorized to sign the agreement of behalf of the City.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 21st day of December, 1982.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 1281, adopted by the Flagstaff City Council at their Meeting held December 21, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 4th day of January, 1983.

CITY CLERK

(SEAL)

OFFICE OF THE
Attorney General
TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 82-580, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 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 or its agencies under the laws of 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 10th day of January, 1982.

ROBERT K. CORBIN
Attorney General

James R. Redpath

Assistant Attorney General
Transportation Division