A.C. CONTRACT NO. 79-71

Sec. of State # 5054
A.G. # 79-71
Filing Date 2/1/79

MAINTENANCE

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE COUNTY OF MOHAVE

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the COUNTY OF MOHAVE, hereinafter called "COUNTY",

WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this Agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE;

WHEREAS, the COUNTY is empowered by Arizona Revised Statutes Section 11-251 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said COUNTY;

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain operations and maintenance activities be provided on the State Highway System in the COUNTY. This work shall

NO. 5054
FILED WITH SECRETARY OF STATE
Date Filed 2-1-79
Secretary of State

include, but not be limited to the operation and maintenance of traffic signals and/or highway lighting at the following locations:

SR 95 at Mesquite Avenue (Lake Havasu City)
SR 95 at Hancock Road (Bullhead City)

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The COUNTY shall set aside sufficient funds and be responsible for all electrical energy costs to operate the traffic signals and/or highway lighting.

2. The STATE shall set aside sufficient funds and be responsible for all operations and maintenance except electrical energy cost; the responsibility of the STATE includes monthly telephone charges for traffic signal interconnect circuits when utilized.

3. Any new installation or any betterment shall be based on a traffic engineering study, and the mutual involvements shall be negotiable.

4. THIS AGREEMENT shall remain in force and effect until midnight June 30, 1979, and shall thereafter be automatically renewed for successive periods of one (1) year, unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial expiration date, or of any renewal date hereof, cancelling said Agreement. In event of such notification and upon expiration of the term during which notice is given, this Agreement shall thereupon become of no further force and effect.

5. It is understood that this Agreement will cancel and supersede any previous Agreements for installation, maintenance, and betterment of traffic signals and/or highway lighting on those State Highways which traverse within the boundaries of the COUNTY.

6. It is understood that the list of locations set forth in this Agreement may be added to, or have deletions made, by Letter Addendum Exhibit "C", with all other conditions set forth remaining in effect.

7. It is understood that upon the termination of this Agreement for any cause whatsoever, all properties which are the subject matter of this Agreement are declared to be property of the Arizona Department of Transportation.

8. Any disposal of properties subject to this Agreement shall be in a manner as otherwise prescribed by law concerning the disposal of public property.

9. This Agreement shall be filed with the Secretary of State and shall become effective on the 1st day of November, 1978, but in no event prior to its being filed with the Secretary of State.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the COUNTY is authorized under the law of this State to enter into this Agreement and that it is in proper form.

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

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: F B Mertz
Chief Deputy State Engineer

COUNTY OF MOHAVE

By: Mark R Bailey
Title: Chairman Bd of Supervisors

ATTEST:

Gail Kesler
County Clerk

Sheet 3

OFFICE OF THE
Attorney General
1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXXXX~~
ATTORNEY GENERAL

RECEIVED
SECRETARY OF STATE
FEB 1 9 26 AM '79
ROSE MOFFORD

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 79-71 which 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 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 30th day of January, 1979.

ROBERT K. CORBIN
Attorney General

PETER C. GULATTO
Assistant Attorney General

RESOLUTION NO. 1334

The Board of Supervisors of Mohave County met in Special Session, pursuant to the call of the Chairman in which all members joined on the 13th day of November, 1978, and

WHEREAS, it is the desire of the Board of Supervisors that traffic signals be installed at Mesquite Avenue and State Route 95 in Lake Havasu City and at Hancock Road and State Route 95 in Bullhead City, and

WHEREAS, it is the desire of the Board of Supervisors to enter into Intergovernmental Agreements with the Arizona Department of Transportation for the construction, maintenance and operation of these traffic signals, and

WHEREAS, the County is authorized by Arizona Revised Statutes 11-251 to enter into these Agreements

NOW, THEREFORE, BE IT RESOLVED that the Mohave County Board of Supervisors and the Arizona Department of Transportation enter into the above mentioned Agreements for the safety and protection of the traveling public.

PASSED, APPROVED, AND ADOPTED this 13th day of November, 1978, by the Mohave County Board of Supervisors.

MOHAVE COUNTY BOARD OF SUPERVISORS

Mabel B. Bailey

Mabel B. Bailey, Chairman

ATTEST:

Gail Kesler

Gail Kesler, Clerk

I hereby certify that the above is a true and correct copy of Resolution #1334 passed by the Board of Supervisors at their meeting held on Monday, November 13, 1978.

Gail Kesler

Gail Kesler
Clerk

RESOLUTION NO. 1334