A.G. CONTRACT NO. 81-565

S-353(Misc.)
Benson-Mammoth Highway

INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE COUNTY OF PIMA

PARTIES

THIS AGREEMENT, entered into December 29, 1981, 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 (the "State"), and PIMA COUNTY, acting by and through the Pima County Department of Transportation and Flood Control District (the "County").

STATUTORY AUTHORIZATION

WHEREAS, the State is empowered by Arizona Revised Statutes Section 28-103 to enter into this agreement and the Director of the Department of Transportation has by that certain resolution attached hereto as Exhibit "A" and incorporated herein by reference resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the State; and

WHEREAS, the County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and its Board of Supervisors has by that certain resolution attached hereto as Exhibit "B" and incorporated herein by reference resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County; and

PURPOSE

WHEREAS, both parties find that the joint maintenance of State Route 76 (Benson-Mammoth Highway) from approximately Highway Engineers Station 244 to approximately Highway Engineers Station 354 in Pima County, as shown on the attached Exhibit "C", will best serve the public safety, needs and convenience; and

WHEREAS, both parties wish to set forth their respective responsibilities relating to the maintenance of said roadway.

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

METHOD

1. The County shall reshape the road surface, including cut ditches. It is understood and agreed between the parties hereto that said roadway work shall be completed in the same manner and at the same time as the County's normal maintenance operations in this vicinity and that the County shall not be required to perform any maintenance activities at any time other than during its normal maintenance operations.

2. The maintenance of the roadway drainage structures shall remain the State's responsibility.

NO. 7568
FILED WITH SECRETARY OF STATE
Date Filed 12-30-81
Secretary of State

3. The State shall bear the costs of maintaining the road surface, including, but not limited to, labor, materials, and appropriate administrative costs.

4. The County shall save the State and its agents or employees harmless from all liability however arising to any and all persons, whether for personal injury or otherwise and from any claim of any person of damage to or loss of property by reason of performance by the County of maintenance operations on said roadway.

5. The State shall save the County and its agents or employees harmless from all liability however arising to any and all persons, whether for personal injury or otherwise and from any claim of any person of damage to or loss of property by reason of the roadway design, marking or signing, as permitted by law.

6. In the event that both parties are negligent, each party shall have the right of contribution against the other.

DURATION AND TERMINATION

The terms, conditions and provisions of this agreement shall remain in full force and effect unless terminated by either party hereto upon thirty (30) days written notice of that intent. All parties are hereby put on notice that this agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

FILING WITH SECRETARY OF STATE

This agreement shall be filed with the Arizona Secretary of State and shall become effective upon filing.

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

PIMA COUNTY

By Sam Lena

Title Chairman
Board of Supervisors

STATE OF ARIZONA
ARIZONA DEPARTMENT OF
TRANSPORTATION

By J. B. Mertz
J. B. Mertz
Chief Deputy State Engineer

CM:da
10-16-81

EXHIBIT "B"

RESOLUTION NO. 1981-209

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS APPROVING CONTRACT WITH STATE OF ARIZONA FOR MAINTENANCE OF STATE ROUTE 76 (BENSON TO MAMMOTH, ARIZONA)

WHEREAS in the ordinary course of maintaining Pima County Highways, Pima County Personnel and Equipment are in that portion of Pima County where State Route 76 is located, Benson to Mammoth, Arizona, and

WHEREAS the State of Arizona has proposed that Pima County enter into a contract with the State of Arizona to maintain that portion of State Route 76 that is located within Pima County with the State of Arizona paying the cost of said maintenance,

NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED AND CARRIED,

BE IT RESOLVED:

That Pima County enter into the proposed contract with the State of Arizona - acting by/through the Arizona Department of Transportation for joint maintenance of State Route 76 from approximately Highway Engineers Station 244 to approximately Highway Engineers Station 354, excluding the maintenance by Pima County of any roadway structures.

That the Chairman of the Board is hereby authorized and instructed to sign said Agreement.

PASSED AND ADOPTED this 7th day of December, 1981.

PIMA COUNTY BOARD OF SUPERVISORS

By Sam Lena
Sam Lena, Chairman

ATTEST:

Eugenia W. Wells
Eugenia W. Wells
Clerk of the Board

APPROVED AS TO FORM:

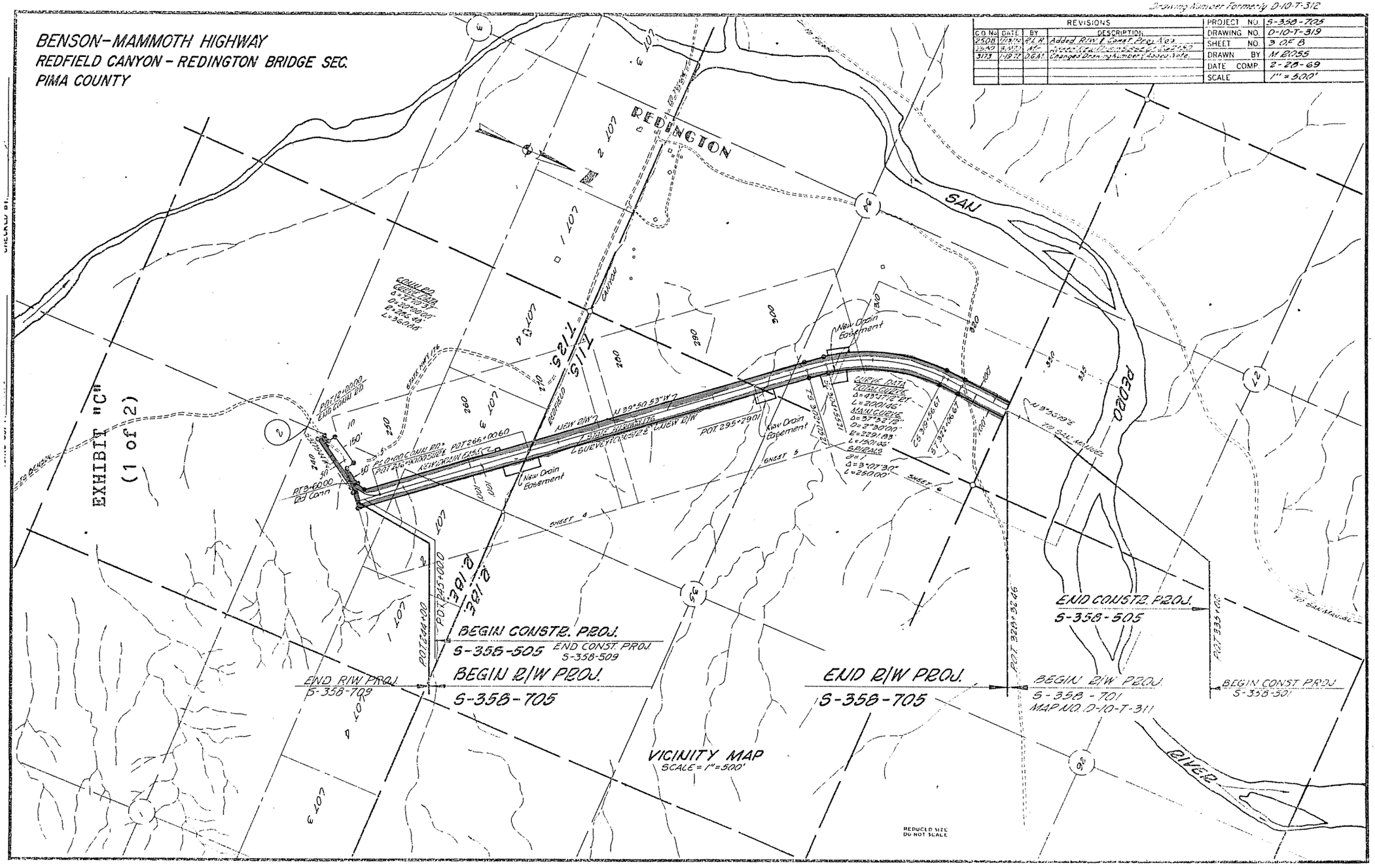
John R Neubauer
John R. Neubauer
Deputy County Attorney

Drawing Number Formerly D-10-T-312

BENSON-MAMMOTH HIGHWAY
REDFIELD CANYON - REDINGTON BRIDGE SEC.
PIMA COUNTY

REVISIONS			
C.O. No.	DATE	BY	DESCRIPTION
2508	[illegible]	R.L.R.	Added R/W & Const. Proj. Nos.
[illegible]	[illegible]	[illegible]	[illegible]
3173	1-19-72	D.G.M.	Changed Drawing Number & Added Note.

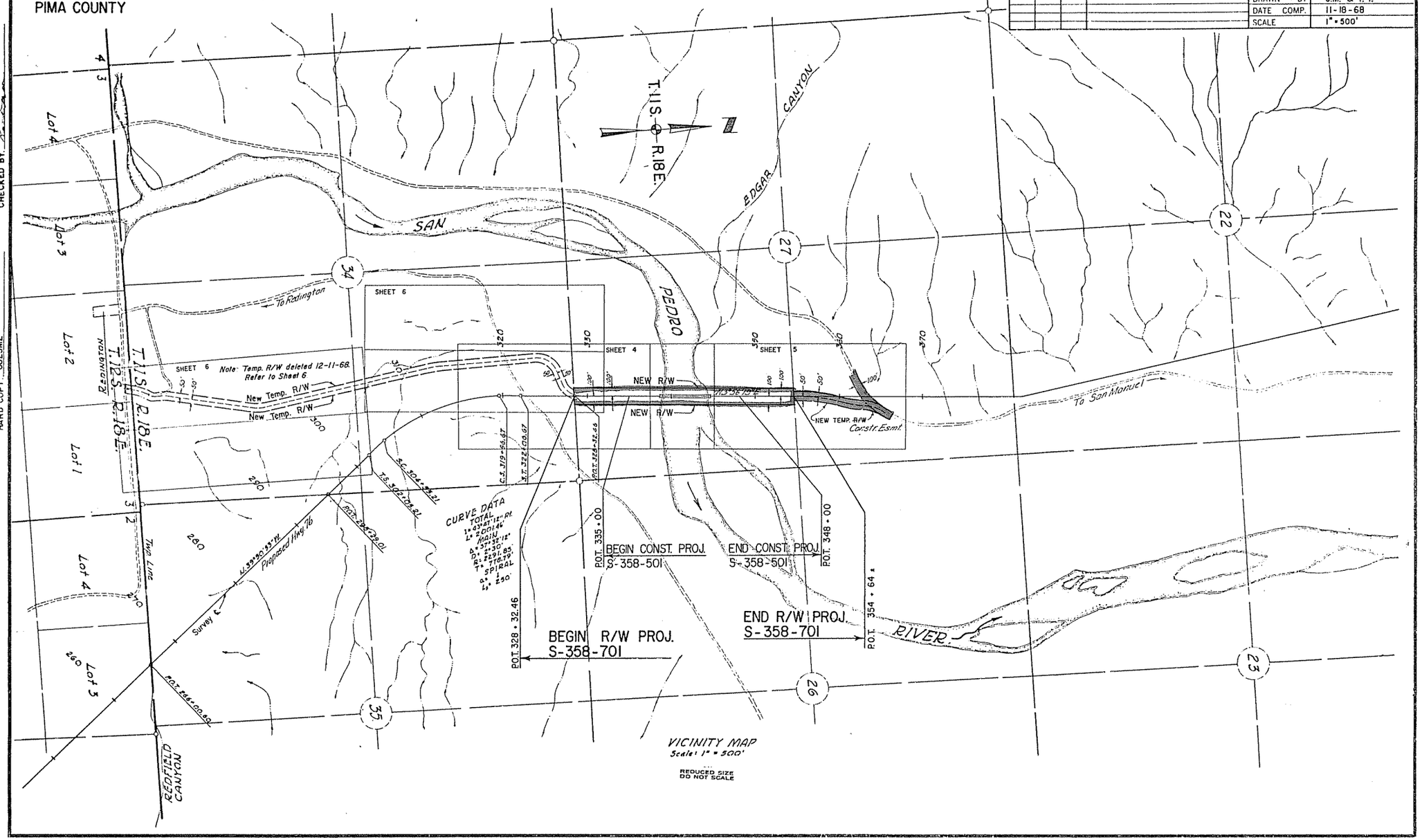
PROJECT NO.	S-358-705
DRAWING NO.	D-10-T-319
SHEET NO.	3 OF 8
DRAWN BY	M. ROSS
DATE COMP.	2-28-69
SCALE	1" = 500'



BENSON-MAMMOTH HWY.
REDINGTON BRIDGE & APPROACHES
PIMA COUNTY

REVISIONS			
C.O. No.	DATE	BY	DESCRIPTION
2138	12-11-68	P.T.	Added Temp. R/W deletion note.
5594	5-6-80	R.L.R.	FINALIZED.

PROJECT NO.	S-358-701
DRAWING NO.	D-10-T-311
SHEET NO.	3 of 7
DRAWN BY	J.M. & P.T.
DATE COMP.	11-18-68
SCALE	1" = 500'



CHECKED BY

EXHIBIT #C8 (2 of 2)

HARD COPY 6823M2

APPROVAL AS TO FORM

I have reviewed the proposed Intergovernmental Agreement between the State of Arizona and Pima County, ARIZONA, as to form regarding maintenance on State Route 76 (Benson - Mammoth) and do approve said contract as to form.

John R. Neubauer
John R. Neubauer
Deputy County Attorney

Attorney General Contract No. 81-565

Exhibit "A"

RESOLUTION

BE IT RESOLVED on this 23 day of July, 1981, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona for the Highways Division of the Department of Transportation to enter into an intergovernmental agreement with Pima County for the joint maintenance of a portion of State Route 76 (Benson-Mammoth Highway).

THEREFORE, authorization is hereby given to draft an agreement for said purpose which upon completion shall be returned for approval and execution by the Chief Deputy State Engineer on behalf of the Department.

W. A. ORDWAY, Director
Arizona Department of Transportation

CM:da

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

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 81-565, 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 22 day of December, 1981.

ROBERT K. CORBIN
Attorney General

Assistant Attorney General
Transportation Division