JPA-82-08

CONTRACT NO. 81-618

LANDSCAPE MAINTENANCE AGREEMENT

ARIZONA PROJECT I-10-3(133)

(Broadway Road to Elliot Road)

CITY OF PHOENIX

28620

THIS AGREEMENT, made this 16th day of February, 1982, pursuant to A.R.S. Sec. 11-951 through Sec. 11-954, by and between the Department of Transportation, Highways Division, an agency of the State of Arizona, thereunto duly authorized, hereinafter designated Department of Transportation and the City of Phoenix, a municipal corporation, thereunto duly authorized, hereinafter designated as City.

PROJECT LIMITS:

Plans and specifications have been developed to provide additional landscaping for areas within the right-of-way on Interstate 10 from south of Broadway Road at Roadway Station 475+00 to south of Elliot Road at Roadway Station 678+00, a net distance of approximately 3.84 miles.

WITNESSETH:

WHEREAS, it is to the mutual advantage of the Department of Transportation and the City to landscape certain areas within the right-of-way on Interstate 10 within the roadway median and on the west side of the eastbound lanes from Baseline Road at Roadway Station 559+00 to south of Elliot Road at Roadway Station 678+00.

NOW THEREFORE, it is hereby mutually agreed by and between the Department of Transportation and the City, pursuant to the authority contained in A.R.S. Sec. 28-108, as follows:

1. The Department of Transportation will prepare plans for the landscaping and irrigation project and submit them to the Federal Highway Administration for approval.

2. Upon approval, the project will be constructed by the Department of Transportation using state and federal funds apportioned to the State of Arizona.

NO. 7649
FILED WITH SECRETARY OF STATE
Date Filed 2-23-82
Rose Moffitt
Secretary of State

3. The City shall furnish and install necessary water services from existing water mains to the designated locations within the right-of-way to provide water for plantings in the roadway median and on the west side of the eastbound lanes from Baseline Road at Roadway Station 559+00 to south of Elliot Road at Roadway Station 678+00 using the City established water service schedule rates, all at Department of Transportation expense.

4. The City shall furnish all water for landscaping during construction phase, and all water hereafter necessary to properly maintain the plantings in the roadway median and within the right-of-way on the west side of the eastbound lanes from Baseline Road at Roadway Station 559+00 to south of Elliot Road at Roadway Station 678+00, all at City expense.

5. The Department of Transportation shall maintain the landscaping and irrigation system within the right-of-way from south of Broadway Road at Roadway Station 475+00 to south of Elliot Road at Roadway Station 678+00.

6. The Department of Transportation shall furnish all electrical power necessary to maintain the landscaping within the right-of-way from south of Broadway Road at Roadway Station 475+00 to south of Elliot Road at Roadway Station 678+00.

7. The City hereby agrees to save and hold harmless the Department of Transportation, or any of its departments, agencies, officers or employees from all cost and damage incurred by any of the above and from any other injury to any person or property whatsoever, which is caused by an activity, condition, or event arising out of the performance or non-performance of any provision of this agreement by the City, any of its agents, or any of its independent contractors. The above cost incurred by the Department of Transportation or any of its departments, agencies or employees shall include in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. When any above cost, damage or other injury occurs as aforesaid, the City assumes the burden of proof that the activity, condition, or event did not cause such cost, damage or other injury.

8. This agreement shall be filed with the Secretary of State and shall become effective on the date of such filing.

9. Attached hereto are resolutions of the Department of Transportation and the City authorizing both entities to enter into this agreement, and a written determination by the City Attorney of Phoenix that this agreement is in proper form and within the powers and authority granted to the City under the laws of this State.

10. The effective date of this agreement shall be upon filing with the Secretary of State and shall remain in full force and effect for a period of five (5) years from the effective date unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless the parties hereto mutually agree by formal amendment reflected herein to this agreement not less than one (1) month prior to the initial or renewed expiration date.

11. All parties are hereby put on notice that this Contract (Agreement) is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF the parties have executed two copies of this agreement on the day and year herein written.

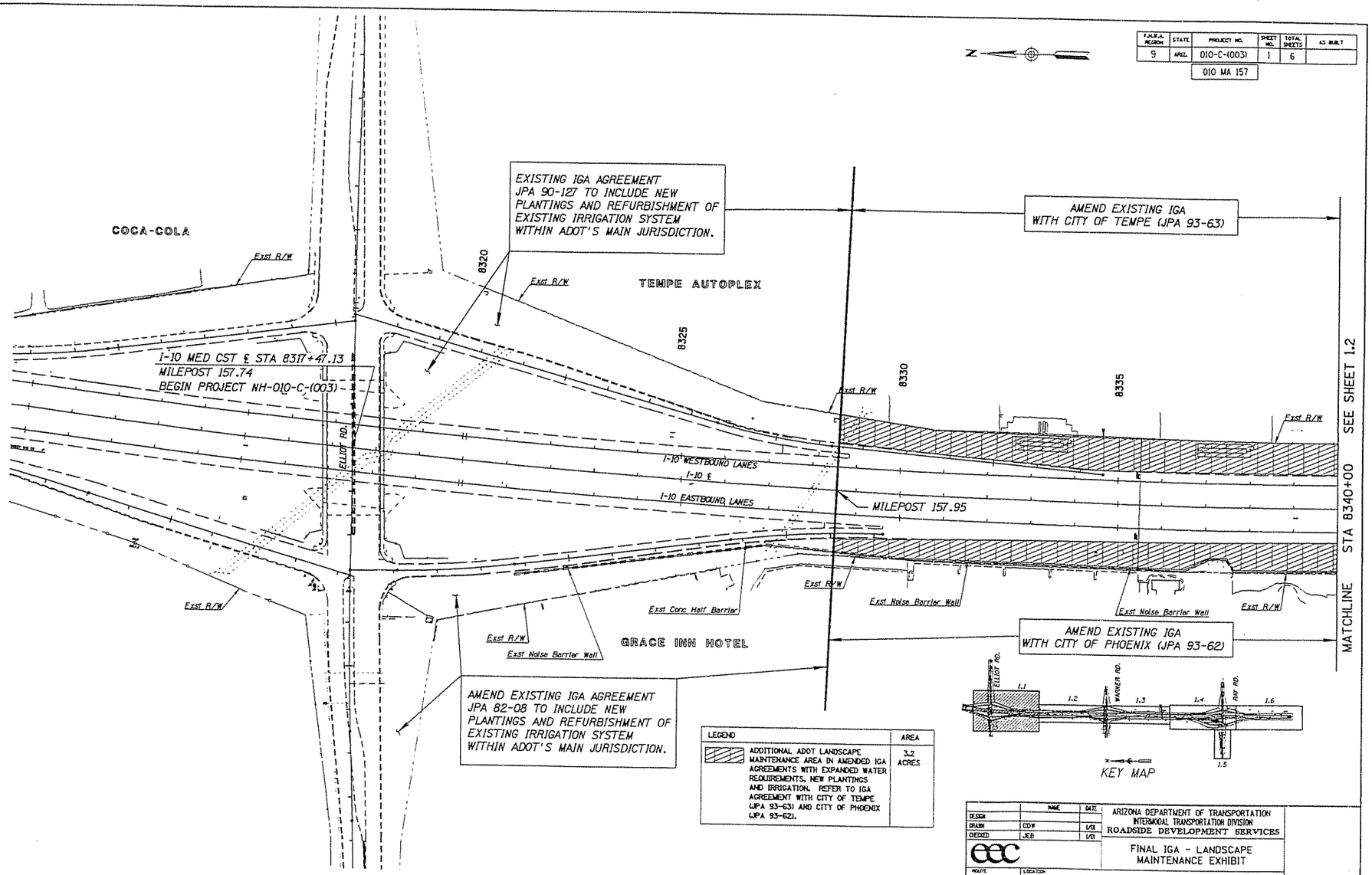
ARIZONA DEPARTMENT OF TRANSPORTATION

By _____
Chief Deputy State Engineer

CITY OF PHOENIX

Marvin A. Andrews, City Manager

By _____
Street Transportation Administrator



F.H.W.A. REGION 9
STATE ARIZ.
PROJECT NO. 010-C-(003)
SHEET NO. 1
TOTAL SHEETS 6
AS BUILT
010 MA 157
COCA-COLA
Exst R/W
EXISTING IGA AGREEMENT JPA 90-127 TO INCLUDE NEW PLANTINGS AND REFURBISHMENT OF EXISTING IRRIGATION SYSTEM WITHIN ADOT'S MAIN JURISDICTION.
AMEND EXISTING IGA WITH CITY OF TEMPE (JPA 93-63)
8320
TEMPE AUTOPLEX
8325
8330
8335
I-10 MED CST ℄ STA 8317+47.13
MILEPOST 157.74
BEGIN PROJECT NH-010-C-(003)
ELLIOT RD.
I-10 WESTBOUND LANES
I-10 ℄
I-10 EASTBOUND LANES
MILEPOST 157.95
SEE SHEET 1.2
MATCHLINE STA 8340+00
Exst Conc Half Barrier
Exst Noise Barrier Wall
GRACE INN HOTEL
AMEND EXISTING IGA WITH CITY OF PHOENIX (JPA 93-62)
AMEND EXISTING IGA AGREEMENT JPA 82-08 TO INCLUDE NEW PLANTINGS AND REFURBISHMENT OF EXISTING IRRIGATION SYSTEM WITHIN ADOT'S MAIN JURISDICTION.
LEGEND
AREA
ADDITIONAL ADOT LANDSCAPE MAINTENANCE AREA IN AMENDED IGA AGREEMENTS WITH EXPANDED WATER REQUIREMENTS, NEW PLANTINGS AND IRRIGATION. REFER TO IGA AGREEMENT WITH CITY OF TEMPE (JPA 93-63) AND CITY OF PHOENIX (JPA 93-62).
3.2 ACRES
ELLIOT RD.
WARNER RD.
RAY RD.
1.1
1.2
1.3
1.4
1.5
1.6
KEY MAP
DESIGN
DRAWN CDW 1/01
CHECKED JEB 1/01
ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES
FINAL IGA - LANDSCAPE MAINTENANCE EXHIBIT
ROUTE I-10
LOCATION I-10 - ELLIOT RD. TO RAY RD.
SHEET 1.1 OF 6
TRACS NO. H5328 01 C
010-C-(003)
- OF -

STATE OF ARIZONA)

: SS

County of Maricopa)

I, Donna Culbertson, City Clerk of the City of Phoenix, Arizona, do hereby certify that the following is a true and correct extract of the minutes of the City Council meeting held December 22, 1981.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of the City of Phoenix, Arizona. Done in Phoenix, Arizona this 20th day of January 1982, ~~1981~~.

Donna Culbertson

RESOLUTION

Be it resolved on this date, February 16, 1982, 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 PHOENIX, acting by and through its CITY COUNCIL enter into the intergovernmental agency agreement for the purpose of entering in a landscape maintenance agreement for certain projects which have been selected by the State and subject to the approval of the City of Phoenix as by law required; and request the City to perform certain work and supply necessary materials required to maintain the specified areas in the manner specified in the attached agreement.

W A Ordway

WILLIAM A. ORDWAY, Director
Department of Transportation

ARIZONA MUSEUM LEASE 264 - F-758

Ordinance S-13024 amending Ordinance No. S-12955, adopted November 13, 1981, dealing with the leasing to the Arizona Museum, an Arizona corpora- tion, a parcel of land at University Park, by amending the legal descrip- tion of the property; and declaring an emergency, was presented to the Council and read by title only.

MOTION was made by Mr. Goode, SECONDED by Mr. Starr, that Ordinance S-13024 be adopted.

Roll Call: Ayes: Adams, Carter, Goode, O'Dell, White, Vice Mayor Starr, and Mayor Hance
Nays: None
Absent: None

MOTION CARRIED. Ordinance adopted.

LANDSCAPE MAINTENANCE AGREEMENT 28620 - F-3809

Ordinance S-13025 authorizing the City Manager to enter into a landscape maintenance agreement with the Arizona Department of Transportation for a landscape project on the Pima Freeway (Interstate 10) from Broadway Road to Elliot Road, was presented to the Council and read by title only.

MOTION was made by Mr. Starr, SECONDED by Mr. Adams, that Ordinance S-13025 be adopted.

Roll Call: Ayes: Adams, Carter, Goode, O'Dell, White, Vice Mayor Starr, and Mayor Hance
Nays: None
Absent: None

MOTION CARRIED. Ordinance adopted.

Mr. Goode commented he had been pushing for this landscaping for 10 years and hoped it would be accomplished in the next two.

ADD-ON - PAYMENT ORDINANCE - F-436

Ordinance S-13026 authorizing the expenditure of public money for payment of claims against the City of Phoenix; and declaring an emergency, was presented to the Council and read by title only.

The total payment amounted to $1,194,650.89.

MOTION was made by Mrs. Carter, SECONDED by Mr. Adams, that Ordinance S-13026 be adopted.

Roll Call: Ayes: Adams, Carter, Goode, O'Dell, White, Vice Mayor Starr, and Mayor Hance
Nays: None
Absent: None

MOTION CARRIED. Ordinance adopted.

ADD-ON - PAYMENT ORDINANCE - F-436

Ordinance S-13027 authorizing the expenditure of public money for payment of claims against the City of Phoenix; and declaring an emergency, was presented to the Council and read by title only.

Mr. Lewis asked if tax revenues from the Pointe might be applied directly to the street program. The Mayor replied in the negative, saying such a basis for application of taxes had never been used.

Mr. Lewis closed by pledging to Council that he would channel his efforts toward influencing the appropriate legislators that street improvements were desperately needed.

GUS CHRISTIE

Mr. Gus Christie, 1057 East Butler, gave Council four photographs of the intersection of 10th Street and Butler, location of a wash which he said had to be cleaned up. He cited piles of newspapers, other debris, a recent fire at the site, deterioration of the bridge, and objectionable graffiti which he described as "dangerous."

Mayor Hance told Mr. Christie his photos would be given directly to the City Manager.

RECESS

There being no further business to come before the Council, and pursuant to Section 2-51.4 of the Code of the City of Phoenix, MOTION was made by Mr. O'Dell, SECONDED by Mr. Goode, that the meeting be recessed to Monday, January 4, 1982, at 6 p.m. MOTION CARRIED UNANIMOUSLY.

Margaret T. Hance
MAYOR

ATTEST:

CITY CLERK

lp

The Phoenix City Council convened in regular session on Tuesday, December 22, 1981, at 10 a.m. in the Council Chambers.

INVOCATION

The invocation was given by Reverend Ellis H. Casson, Tanner Chapel, A M E Church.

PLEDGE

The Pledge of Allegiance to the Flag was led by Councilman Jim White.

Mr. Adams introduced a group of students from the West Phoenix 4-H Club and their group leader, Mr. Charlie Coppinger.

ROLL CALL

Present: Councilmen Howard Adams, Joy Carter, Calvin C. Goode, Ken O'Dell, Jim White, Vice Mayor Barry Starr, and Mayor Margaret T. Hance

Absent: None

Also Present: City Manager Marvin A. Andrews, City Attorney Andy Baumert, Acting City Clerk Vicky Miel, Streets Transportation Administrator Edward M. Hall, Deputy City Engineer David C. Clymer, Deputy City Engineer W. Roger Gwillim, and Plans Review Supervisor David E. Richert

MINUTES OF PRECEDING MEETINGS

(Continued from December 15, 1981) - Mr. Goode stated he had reviewed the minutes of the regular meeting of November 24, 1981, and with several corrections which had been made, MOVED their approval. This was SECONDED by Mrs. Carter. MOTION CARRIED UNANIMOUSLY.

(Continued from December 15, 1981) - Mr. O'Dell stated he had reviewed the minutes of the regular meeting of December 1, 1981, found them to be in order, and MOVED their approval. This was SECONDED by Mr. Adams. MOTION CARRIED UNANIMOUSLY.

Mr. Adams stated he had reviewed the minutes of the regular meeting of December 8, 1981, found them to be in order, and MOVED their approval. This was SECONDED by Mr. Starr. MOTION CARRIED UNANIMOUSLY.

BOARDS AND COMMISSIONS

MOTION was made by Mr. White, SECONDED by Mrs. Carter, that Clarence E. May be appointed a member of the City Insurance Committee for a term to expire December 22, 1984. MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Goode, SECONDED by Mr. White, that Alex Pappas be appointed Chairman of the Human Relations Commission for a term to expire December 22, 1982. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE ENGINEER and the CITY OF PHOENIX 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 17 day of Nov., 1981.

Andy Baument

ANDY BAUMENT

The City Attorney

pc

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. 81-618, 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 2nd day of November, 1981.

ROBERT K. CORBIN
Attorney General

Albert Moyer
Assistant Attorney General
Transportation Division