CITY of TUCSON CONTRACT NO. 0184-83

JPA-82-10

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

MAINTENANCE AGREEMENT

THIS AGREEMENT, entered into pursuant to A.R.S. 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE," and the CITY OF TUCSON a municipal corporation, hereinafter called "CITY."

WHEREAS, the Director, Arizona Department of Transportation is empowered by A.R.S. 28-108 to enter into this Agreement, and has duly authorized the Assistant Director, Highways Division, to execute the same, said authorization being attached hereto and incorporated herein as Exhibit A;

WHEREAS, the CITY, acting by and through its duly elected governing body, has, pursuant to A.R.S. 9-672, by that certain resolution attached hereto and incorporated herein as Exhibit B, resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY;

WHEREAS, it is to the mutual benefit of the STATE and the CITY to enter into an agreement specifying their respective construction and maintenance responsibilities concerning certain State highway routes which are encompassed within the CITY'S system of streets and which form necessary and convenient links in the State Highway System, which streets and highways are more particularly set forth and delineated upon the map attached hereto and incorporated herein as Exhibit C.

The portions of the State Highway System covered by this Agreement shall be:

v I-10 Casa Grande - Tucson - Benson Freeway

v I-19 Nogales - Tucson Freeway

B-10 West Miracle Mile
+ Miracle Mile
Drachman
Stone Avenue
6th Avenue
Benson Hwy.

NO. 806.2
FILED WITH SECRETARY OF STATE
Date Filed 9/28/83
Secretary of State

EX. A TO RESOLUTION NO. 11989

US 89 Oracle Road
Nogales Hwy.

SR 86 Ajo Road

NOW, THEREFORE, the parties hereto mutually agree to the following:

1. Except as otherwise expressly provided in this Agreement, the STATE shall be responsible for the following maintenance and construction of betterments on those highways and streets delineated on Exhibit C.

a. Betterment or reconstruction of roadway, curbs, sidewalks, medians and channelization; and

b. Bridges and drainage; and

c. Guardrails and fences; and

d. Transportation permits, such as overweight, overwidths and overheight as prescribed by law; and

e. Resurfacing, resealing, construction and replacement of roadways; and

f. Initial installation of all traffic control signs and markings except street name signs. Electrical devices, including but not limited to traffic signals and intersection lighting, will be covered by separate agreement and will be governed by that agreement; and

g. Routine maintenance of overhead guide signs and route markers.

2. Except as otherwise expressly provided in this Agreement, the City, for routes

B-10 West Miracle Mile
Miracle Mile
Drachman
Stone Avenue
6th Avenue
Benson Hwy.

US 89 Oracle Road
Nogales Hwy.

SR 86 Ajo Road

I-10 Casa Grande - Tucson - Benson Freeway
(Cross Roads & Frontage Roads only)

Prince Rd.	T.I. Cross Road	
Grant Rd.	T.I. Cross Road	(See 2a.)
Speedway	T.I. Cross Road	(See 2a.)
St. Marys	T.I. Cross Road	& Frontage Road
Congress	T.I. Cross Road	
McCormick	G.S. Cross Road	
22nd Street	T.I. Cross Road	
29th Street	G.S. Cross Road	
6th Ave.	T.I. Cross Road	
Park Ave.	T.I. Cross Road	
Campbell Ave.	T.I. Cross Road	(See 2a.)
Country Club	G.S. Cross Road	

I-19 Nogales - Tucson Freeway
(Cross Roads & Frontage Roads only)

Ajo Rd.	T.I. Cross Road	& Frontage Roads
Irvington Rd.	G.S. Cross Road	
Drexel Rd.	G.S. Cross Road	
Valencia Rd.	T.I. Cross Road	& Frontage Road

shall have responsibility for and provide:

a. Routine maintenance (including sweeping, cleaning, and minor repairs) of roadway surfaces, sidewalks, (when not in conflict with Tucson Code provisions providing for maintenance of sidewalks by immediately abutting property owners) curbs, medians and catch basins, excluding minor repair of roadway surfaces, sidewalks, curbs, medians and catch basins on concrete pavement crossroads at Grant Road, Speedway and Campbell Avenue; and

b. Maintenance of median landscaping (including water); provided that landscape maintenance covered by separate agreement will be by that agreement; and

c. Street lighting and street lighting maintenance will be covered under separate agreement.

d. Removal of sand, rock and other debris caused by slides or other unusual causes; and

e. Lane, crosswalk and parking striping (after initial installation) including crosswalks and stop bar across freeway ramps and frontage roads; and

f. Routine maintenance of street name, parking and traffic control signs and markings including the furnishing of material except overhead signs and route markers. Signs placed on State R/W shall have prior approval of both City of Tucson and the Arizona Department of Transportation; and

g. Permits for highway rights of way encroachments and use and forms to be used for these permits will be furnished by the STATE (A.D.O.T. 22-5101 R6'77) and a copy of each permit issued shall be sent to the STATE (P.O. Box 27306, Tucson) with a sketch showing the exact location of the encroachment. A copy of said form is attached hereto and incorporated herein as Exhibit D, and by reference made a part hereof; and

Pipes, conduit or other utilities shall be jacked or bored beneath paved areas. Pavement cuts shall be considered only when jacking, boring or other alternatives are proven impractical and then only when approved by the District Engineer; and

Median opening modification shall be done in accordance with Arizona Department of Transportation Traffic Engineering Policies, Guides and Procedures #PGP 5-5A-0-0-1-0 (6/10/68), and only when approved by the District Engineer.

3. Upon the annexation of any area by the CITY which is traversed by any STATE highway, that length of such highway which is within the annexation boundaries shall become subject to the terms of this Agreement, and the CITY shall furnish the STATE a revised map indicating the portion or portions of STATE's highway affected, which map shall be incorporated herein as an amendment to this Agreement.

4. Those certain regulations captioned "Authorized Position of Advertising Signs Along State Highway Right-of-Way" attached hereto and incorporated herein as Exhibit E shall be adhered to by the CITY except, however, that the CITY may enforce more restrictive regulations if authorized by law.

5. The CITY shall, by appropriate policies of insurance or through self-insurance programs, provide full liability and property damage coverage on all employees engaged in performing those duties herein agreed to be performed by the CITY. Any such coverage shall include misfeasance, nonfeasance and malfeasance. The CITY will maintain the insurance for the period of this Agreement.

6. Contingent upon the appropriations of funds, the City shall set aside sufficient funds to cover cost of fulfilling its responsibilities set forth in this Agreement.

7. As required by A.R.S. 28-641, the CITY shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways during all maintenance operations conducted by the CITY on State Highway Right-of-Way.

8. The terms, conditions and provisions of this Agreement 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 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 or renewed expiration date.

9. That this Agreement shall supersede all previous street maintenance agreements, except those agreements for traffic control devices, safety illumination and roadside development. The agreements for traffic control devices, safety illumination and roadside development effective this date are listed on separate sheet attached hereto and incorporated herein as Exhibit F.

10. That all work performed under the provisions of this Agreement shall be performed in a manner satisfactory to the STATE.

11. That this Agreement shall be filed with the Secretary of the State and shall become effective on the date of such filing.

12. Attached hereto are resolutions of the Department of Transportation (Exhibit A) and the CITY of TUCSON (Exhibit B) authorizing both entities to enter into this Agreement; and a written determination by the CITY Attorney of TUCSON (Exhibit B) that this Agreement is in proper form and within the powers and authority granted to the CITY of TUCSON under the laws of this State.

13. 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.

14. This Agreement may be terminated by either party upon the giving of sixty (60) days written notice to the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement ~~that date and year first written above~~.
this 7th day of SEPTEMBER, 1982.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: _____

Title: Chief Deputy State Engineer

CITY OF TUCSON

By: _____

Title: MAYOR

ATTEST:

_____

CITY CLERK

Approved as to Form:

Louise B. Stratton
Assistant City Attorney

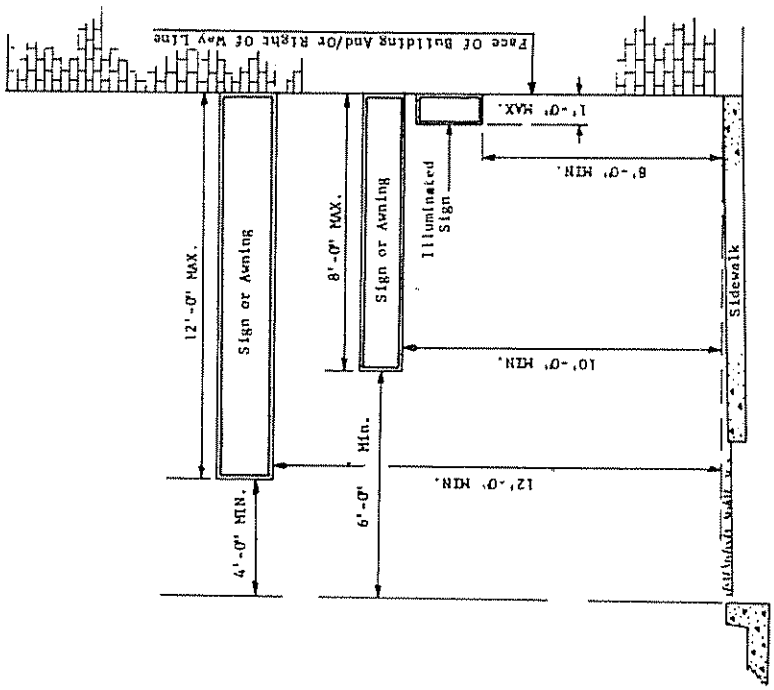
EXHIBIT 10

ARIZONA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
STANDARD PLANS

PERMIT REGULATIONS
FOR SIGNS AND AWNINGS

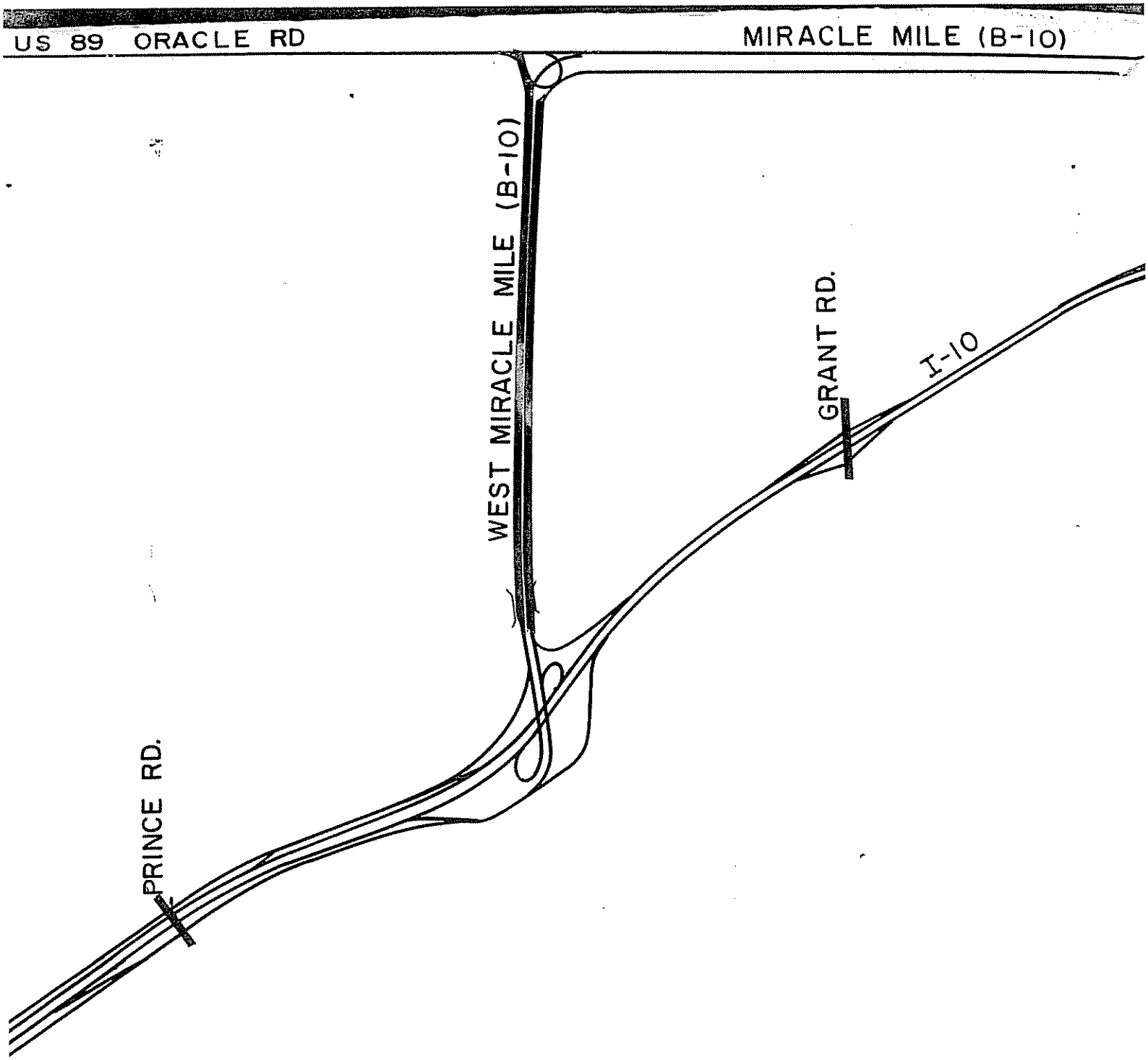
GENERAL NOTES

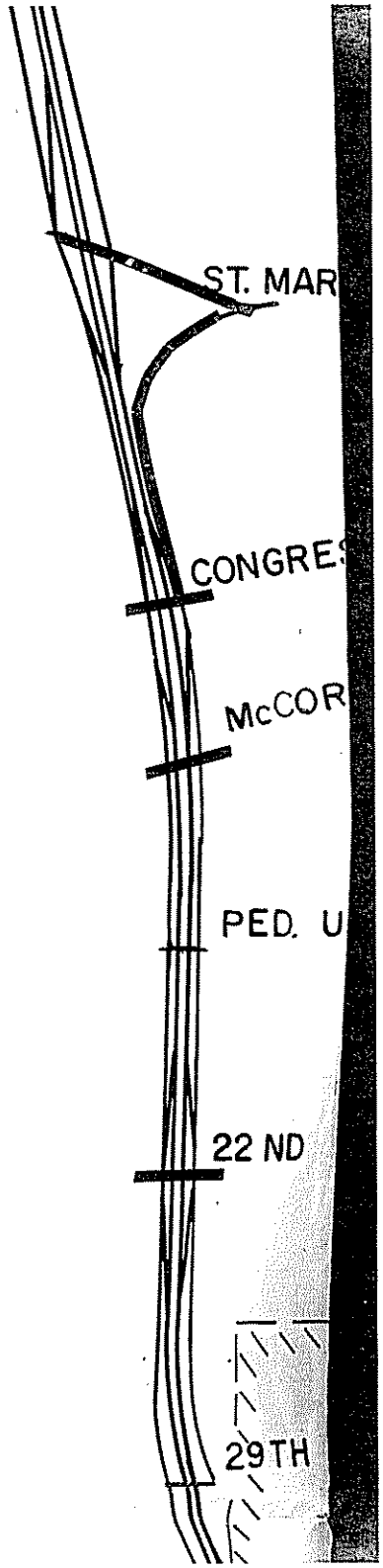
1. A permit is required for all encroaching overhanging signs and awnings. These signs and awnings are permitted in curbed urban sections for on premise advertising.
2. No advertising signs are allowed on any Interstate or Rural highway rights of way. Signs on Frontage Roads within Highway R/W in urban areas are permitted by this standard.
3. Signs with words "Stop", "Slowdown", etc. or signs similar in shape or color to official traffic signs are not permitted.
4. Lengths of signs and awnings may vary as shown except where City or County ordinances provide smaller maximums.
5. Illuminated signs attached to a building facing the R/W are permitted as shown.
6. An outdoor advertising permit is required for off premise signs.
7. Ground supported or portable signs shall not be placed within any right of way areas.



PERMIT NEEDED

EXHIBIT "E" TO EX. A TO RESOLUTION NO. 11989


US 89 ORACLE RD
MIRACLE MILE (B-10)
WEST MIRACLE MILE (B-10)
PRINCE RD.
GRANT RD.
I-10


ST. MAR
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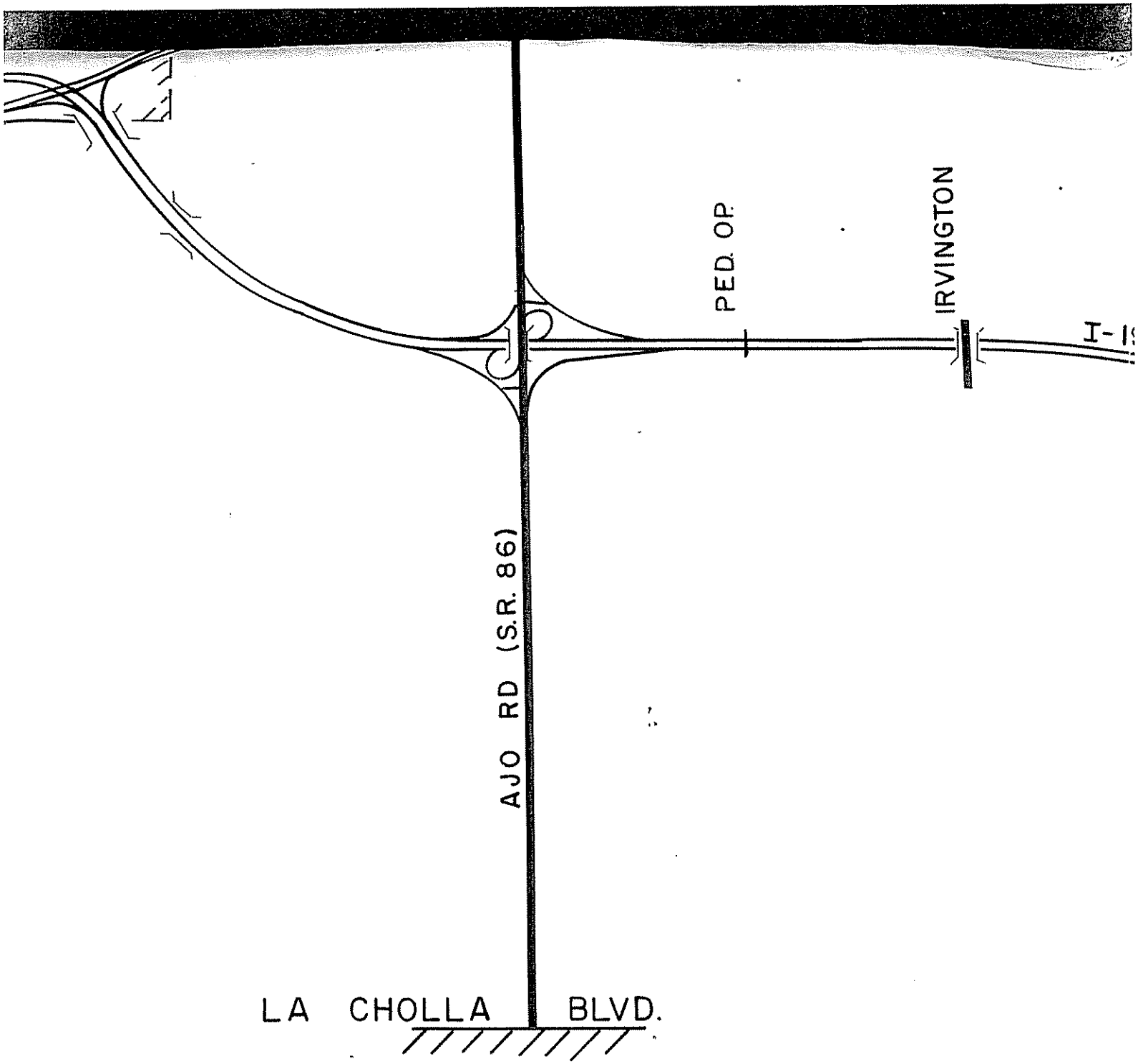
PED. U
22 ND
29TH



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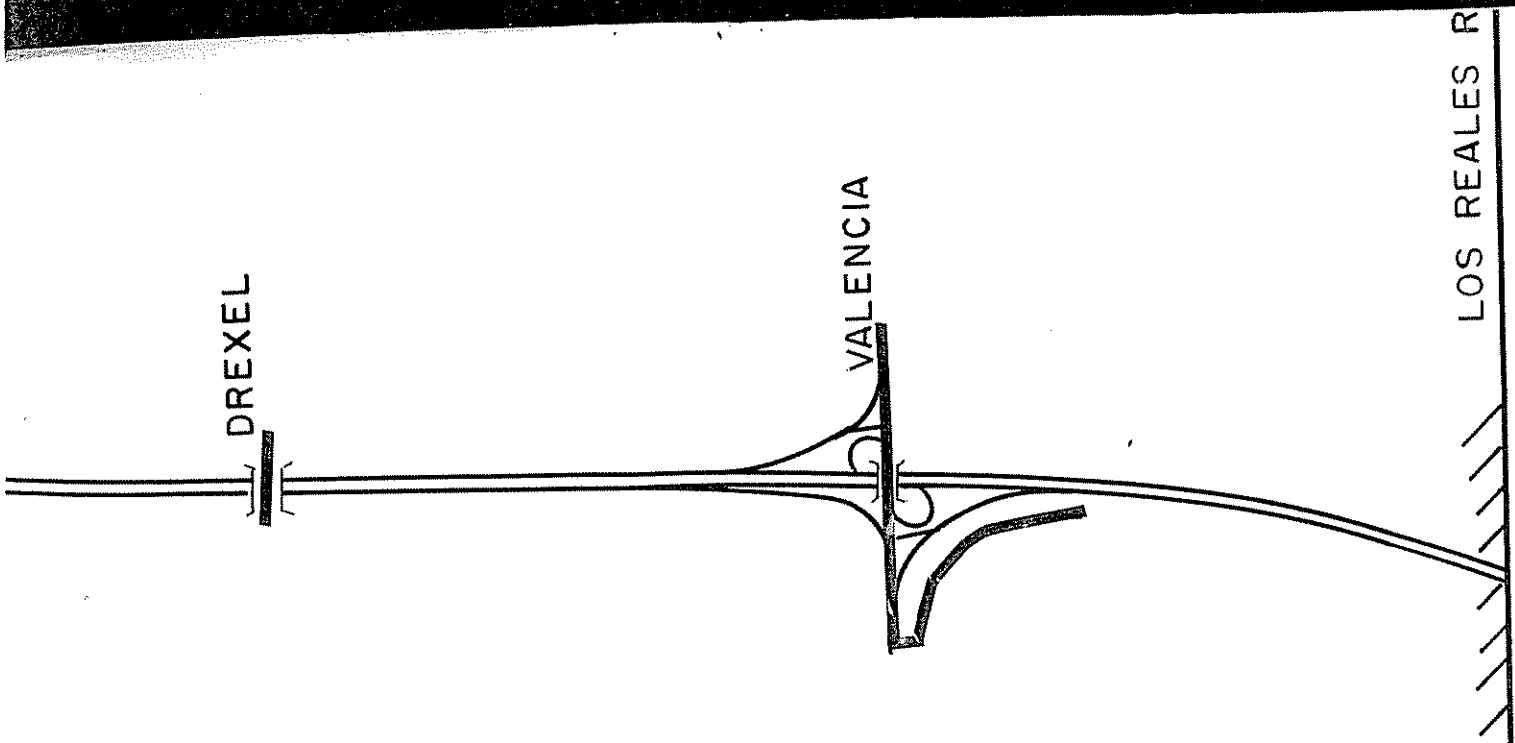
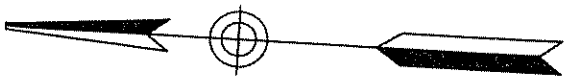
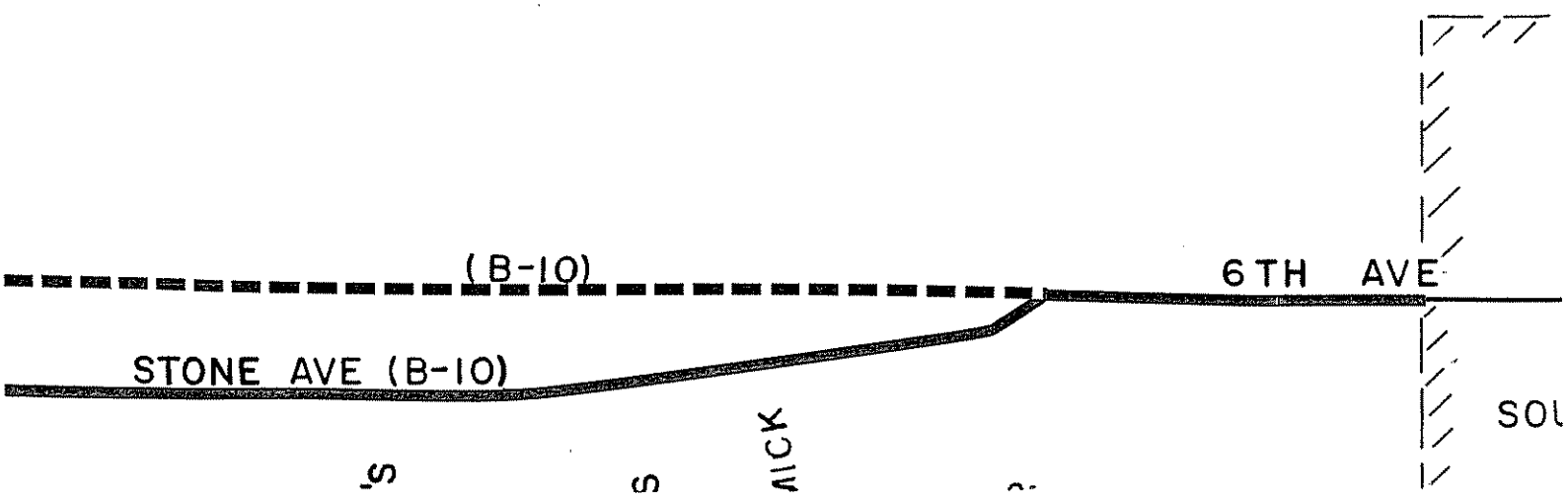


STATE HIGHWAYS
STATE ROUTES

ONA DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

STATE HIGHWAYS WITHIN CITY OF TUCSON




(B-10)
6TH AVE
STONE AVE (B-10)
SOU
S
S
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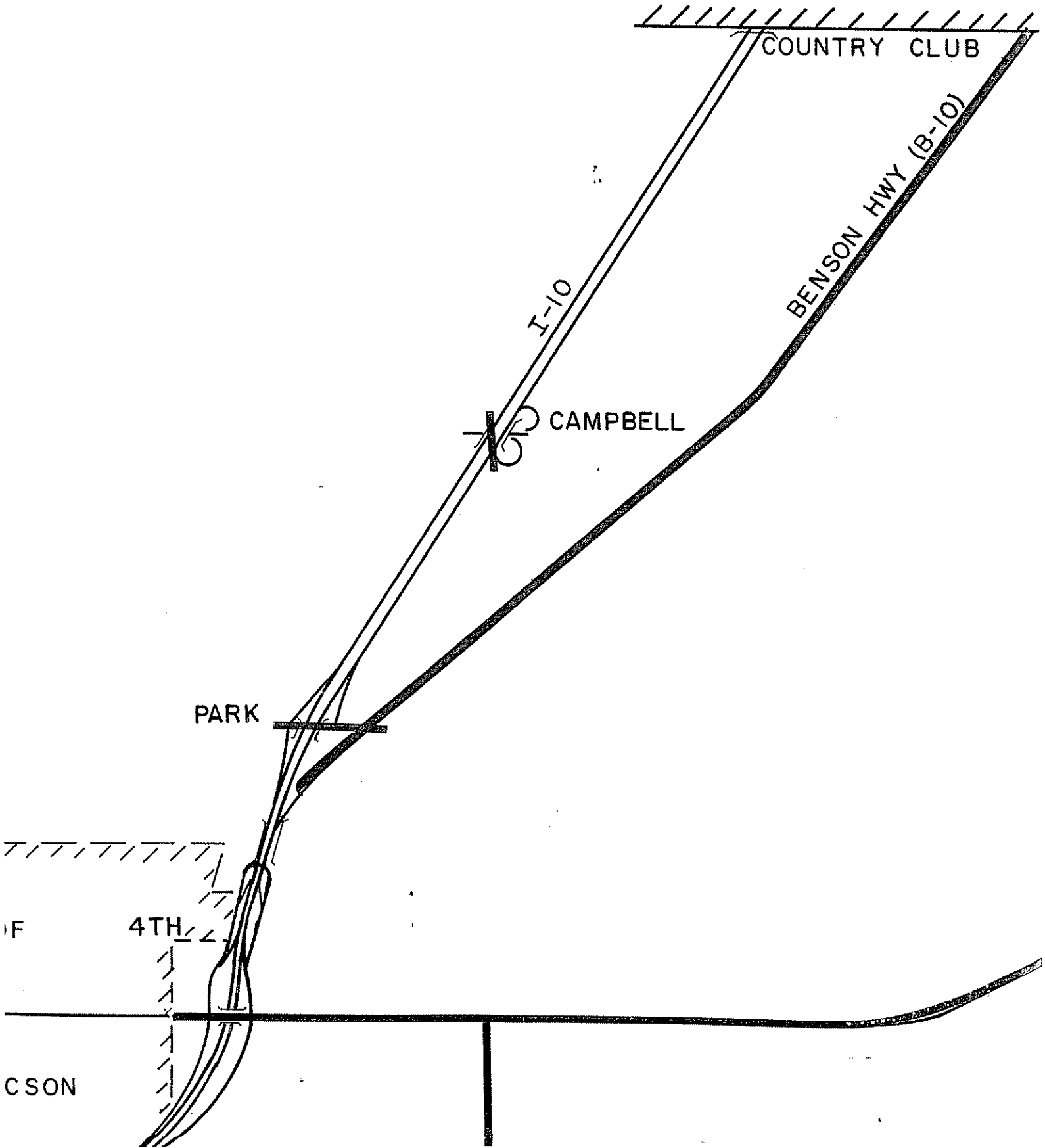

COUNTRY CLUB
BENSON HWY (B-10)
I-10
CAMPBELL
PARK
4TH
F
CSON

US 89 NOGALES HWY

RESOLUTION

Be it resolved on this date, Sept. 27, 1982 I, W. 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 TUCSON, enter into the Intergovernmental Agreement for the purpose of maintaining certain State Highway Routes which are encompassed within the CITY'S system of streets and which form necessary and convenient links in the State Highway System. I hereby authorize the Assistant Director, Highways Division, to execute said Agreement.

W A Ordway

WILLIAM A. ORDWAY, Director
Arizona Dept. of Trans.

EXHIBIT "A" TO EX. A TO RESOLUTION NO. 11989

RESOLUTION NO. 11989

RELATING TO TRANSPORTATION; APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO PROVIDE MANTENANCE TO THOSE STATE HIGHWAY ROUTES WHICH ARE ENCOMPASSED WITHIN THE CITY OF TUCSON'S SYSTEM OF STREETS.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. That the Intergovernmental Agreement attached hereto and marked EXHIBIT A, by and between the City of Tucson and the State of Arizona Department of Transportation, providing for maintenance by the City of those State highway routes which are encompassed within the City of Tucson's system of streets, is hereby approved.

SECTION 2. That upon the written approval of the City Attorney as to the form of the agreement, the Mayor is authorized and directed to execute the agreement, and the City Clerk is authorized and directed to attest the same.

SECTION 3. The various city officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 4. WHEREAS it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, SEP 07 1982.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

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

ROBERT K. CORBIN
ATTORNEY GENERAL

RECEIVED
AUG 02 1982
DEPUTY STATE ENGINEER
HIGHWAY OPERATIONS

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

RECEIVED
AUG 3 1982
DIST. 2

A. G. Contract No. 82-401, 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 29th day of July, 1982.

ROBERT K. CORBIN
Attorney General

Albert Moyon

Assistant Attorney General
Transportation Division

OCTOBER 15, 1993

RES. NO: 93-10-A-62
PROJECT: F-031 (Gen)
HIGHWAY: TUCSON - ORACLE JCT. - GLOBE
SECTION: (Stone Avenue - SR. 77, Miracle Mile)
ROUTE NO.: Former U S 89
ENG. DIST: II
COUNTY: Pima

RESOLUTION OF ABANDONMENT

LARRY S. BONINE, Director, Arizona Department of Transportation, on October 15, 1993, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-1864, recommending the abandonment of a portion of the right of way acquired for former U S Route 89 within the above referenced project.

The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Highways Division, Phoenix, Arizona, entitled "Right of Way Plans, TUCSON - ORACLE JCT.-GLOBE HIGHWAY, Project F-031 (Gen)."

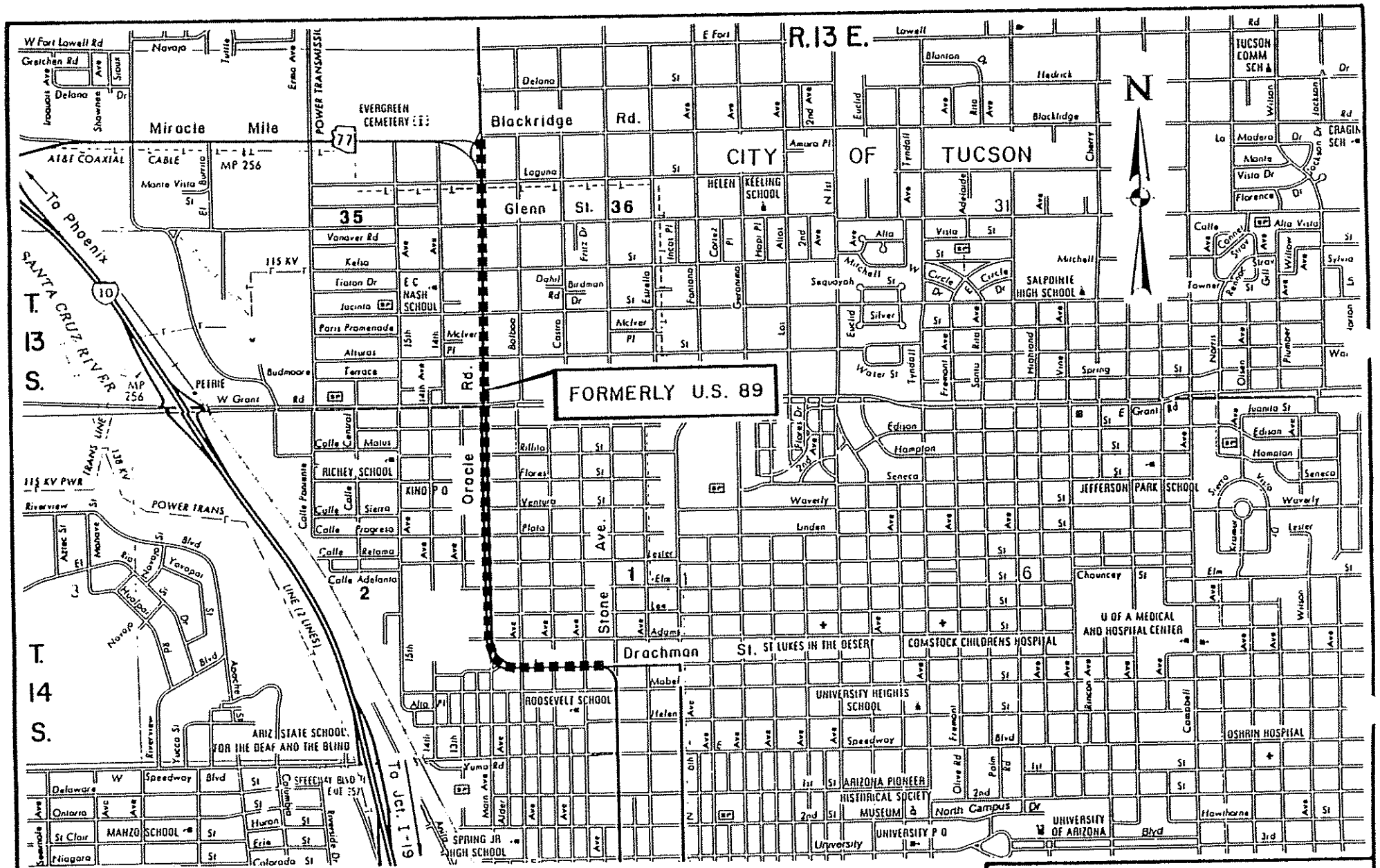
WHEREAS said portion of right of way is no longer needed for state transportation purposes; and

WHEREAS this Board finds that public safety, necessity and convenience will be served by accepting the Director's report; therefore, be it

RESOLVED that the recommendation of the Director is adopted and made part of this resolution; be it further

RESOLVED that the portion of right of way depicted in Appendix "A" is hereby abandoned to the City of Tucson as provided in Arizona Revised Statutes Section 28-1902(5); be it further

RESOLVED that the Director provide written notice to the City of Tucson evidencing the abandonment of the State's interest.



THIS PLAT WAS PHOTOGRAPHICALLY REPRODUCED FROM —
GENERAL HIGHWAY MAP
PIMA COUNTY, ARIZONA
Information on this plat was obtained from R/W Map # D-10-T-323, 361 & Strip Map 10-T-118

AREA OF DISPOSAL

APPENDIX "A"

F-031(GEN)
TUCSON - ORACLE JCT. - GLOBE HWY.
FORMERLY U.S. 89
(Stone Ave. - SR 77, Miracle Mile)
Pima County
10-15-93 Scale: 1" = 2,000' ±
Sheet 1 of 1

OCTOBER 15, 1993

RES. NO: 93-10-A-62
PROJECT: F-031 (Gen)
HIGHWAY: TUCSON - ORACLE JCT. - GLOBE
SECTION: (Stone Avenue - SR. 77, Miracle Mile)
ROUTE NO.: Former U S 89
ENG. DIST: II
COUNTY: Pima

REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Highways Division has made a thorough investigation concerning the abandonment of a portion of the right of way acquired for former U S Route 89 within the above referenced project. This portion was previously established by Arizona Highway Commission resolution dated September 9, 1927 at page 26 of the Official Minutes as U S Routes 80 and 89. Resolution dated August 21, 1936 at page 22 of the Official Minutes documented the existing right of way; Resolution 63-69 dated October 11, 1963 redesignated U S Route 80 as Interstate Business Route 10; Arizona Transportation Board Resolution 87-12-A-109 dated December 18, 1987 established additional right of way; and Resolution 92-08-A-56 dated August 21, 1992 eliminated this portion of U S Route 89 designation in its entirety.

A portion of the previously acquired right of way is no longer needed for state transportation purposes. The City of Tucson has agreed to accept jurisdiction of the right of way. Accordingly, I recommend that the State's interest in the portion of right of way be abandoned.

The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on the maps and plans on file in the office of the State Engineer, Highways Division, Phoenix, Arizona, entitled "Right of Way Plans, TUCSON-ORACLE JCT.-GLOBE HIGHWAY, Project F-031 (Gen)."

I further recommend that the portion of right of way depicted in Appendix "A" be abandoned to the City of Tucson.

OCTOBER 15, 1993

RES. NO: 93-10-A-62
PROJECT: F-031 (Gen)
HIGHWAY: TUCSON - ORACLE JCT. - GLOBE
SECTION: (Stone Avenue - SR. 77, Miracle Mile)
ROUTE NO.: Former U S 89
ENG. DIST: II
COUNTY: Pima

All other rights of way and easements and appurtenances thereto subject to the provisions of Arizona Revised Statutes Section 28-1903 shall continue as they existed prior to the disposal of right of way depicted in Appendix "A".

Pursuant to Arizona Revised Statutes Section 28-1864, I recommend that the Transportation Board adopt a resolution making this recommendation effective.

Respectfully submitted,

LARRY S. BONINE, Director
Arizona Department of Transportation

OCTOBER 15, 1993

RES. NO: 93-10-A-62
PROJECT: F-031 (Gen)
HIGHWAY: TUCSON - ORACLE JCT. - GLOBE
SECTION: (Stone Avenue - SR. 77, Miracle Mile)
ROUTE NO.: Former U S 89
ENG. DIST: II
COUNTY: Pima

CERTIFICATION

I, LARRY S. BONINE, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on October 15, 1993.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on October 15, 1993.

LARRY S. BONINE, Director
Arizona Department of Transportation

AUGUST 16, 1991

RES. NO: 91-08-A-63
PROJECT: F-011-1(Gen)
HIGHWAY: TUCSON STREETS
SECTION: (18th St. - Drachman St.)
ROUTE NO.: U S 89, 80 & B-10
ENG. DIST: II
COUNTY: Pima

RESOLUTION OF ABANDONMENT

CHARLES E. COWAN, Director, Arizona Department of Transportation, on August 16, 1991, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-1864, recommending the abandonment of a portion of Tucson Streets, previously established as a state route and highway within the above referenced project.

The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Highways Division, Phoenix, Arizona.

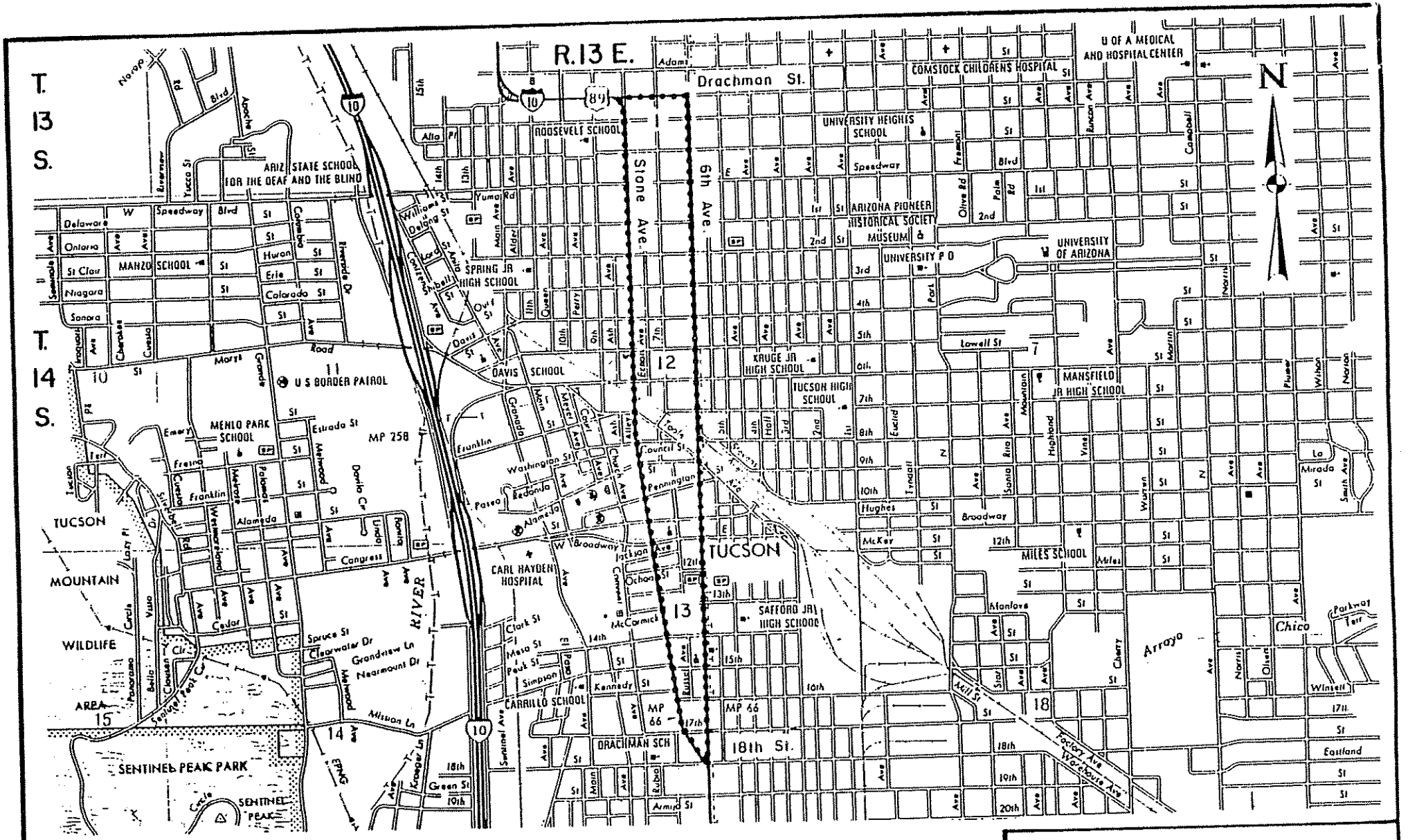
WHEREAS said portion of right of way is no longer needed for state transportation purposes; and

WHEREAS this Board finds that public safety, necessity and convenience will be served by accepting the Director's report; therefore, be it

RESOLVED that the recommendation of the Director is adopted and made part of this resolution; be it further

RESOLVED that the portion of right of way depicted in Appendix "A" is hereby abandoned to the City of Tucson as provided in Arizona Revised Statutes Section 28-1902(5); be it further

RESOLVED that the Director provide written notice to the City of Tucson evidencing the abandonment of the State's interest.



THIS PLAT WAS PHOTOGRAPHICALLY REPRODUCED FROM —

GENERAL HIGHWAY MAP

PIMA COUNTY, ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION
PHOTOGRAMMETRY AND MAPPING SERVICES
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

AREA OF DISPOSAL

APPENDIX "A"

F-011-1(GEN)
TUCSON STREETS, B-10
U.S. 89 & 80
(18th St. - Drachman St.)
Pima County
8-16-91 Scale: 1" = 2,000' ±
Sheet 1 of 1

AUGUST 16, 1991

RES. NO: 91-08-A-63
PROJECT: F-011-1(Gen)
HIGHWAY: TUCSON STREETS
SECTION: (18th St. - Drachman St.)
ROUTE NO.: U S 89, 80 & B-10
ENG. DIST: II
COUNTY: Pima

REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Highways Division has made a thorough investigation concerning the abandonment of a portion of the right of way acquired for Tucson Streets within the above referenced project. This portion was previously established by the Arizona Highway Commission Resolution 72-20 dated February 25, 1972, recorded March 14, 1972 in Docket 4207, page 398 as a state route and highway.

A portion of the previously acquired right of way is no longer needed for state transportation purposes. The City of Tucson has agreed to accept jurisdiction of the right of way. Accordingly, I recommend that the State's interest in the portion of right of way be abandoned.

The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on the maps and plans on file in the office of the State Engineer, Highways Division, Phoenix, Arizona.

I further recommend that the portion of right of way depicted in Appendix "A" be abandoned to the City of Tucson.

All other rights of way and easements and appurtenances thereto subject to the provisions of Arizona Revised Statutes Section 28-1903 shall continue as they existed prior to the disposal of right of way depicted in Appendix "A".

AUGUST 16, 1991

RES. NO: 91-08-A-63
PROJECT: F-011-1(Gen)
HIGHWAY: TUCSON STREETS
SECTION: (18th St. - Drachman St.)
ROUTE NO.: U S 89, 80 & B-10
ENG. DIST: II
COUNTY: Pima

Pursuant to Arizona Revised Statutes Section 28-1864, I recommend that the Transportation Board adopt a resolution making this recommendation effective.

Respectfully submitted,

CHARLES E. COWAN, Director
Arizona Department of Transportation

AUGUST 16, 1991

RES. NO: 91-08-A-63
PROJECT: F-011-1(Gen)
HIGHWAY: TUCSON STREETS
SECTION: (18th St. - Drachman St.)
ROUTE NO.: U S 89, 80 & B-10
ENG. DIST: II
COUNTY: Pima

CERTIFICATION

I, CHARLES E. COWAN, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on August 16, 1991.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on August 16, 1991.

CHARLES E. COWAN, Director
Arizona Department of Transportation