A.G. CONTRACT NO. 85-529

Project: I-10-3(95)
Section: Major Development Project
Near Central Avenue and the
Papago Freeway

38636

NO 10609
FILED WITH SECRETARY OF STATE
Date Filed 9-19-85
Secretary of State

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

THIS AGREEMENT entered into this 9th day of SEPT., 1985, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the City of Phoenix, 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 State Engineer of the Arizona Department of Transportation has been authorized to execute same on behalf of the State; and

WHEREAS, City is empowered by Section 9-672B Arizona Revised Statutes, and Chapter II, Section 2 of the Phoenix City Charter 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, State and City desire to initiate a traffic and transit study for the proposed major development project near Central Avenue and the Papago Freeway; and

WHEREAS, the consulting firm of Howard, Needles, Tammen and Bergendoff has been hired to prepare the study; and

WHEREAS, the estimated total cost of preparing said study is $74,444 which will be paid by City and State in the proportions shown in the attached "Scope of Services".

THEREFORE, the parties hereto agree as follows:

STATE SHALL:

1. Instruct the engineering consulting firm of Howard, Needles, Tammen and Bergendoff to proceed with the traffic and transit study as outlined in

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the attached "Scope of Services" and prepare a final report of their findings and recommendations.

2. Upon satisfactory completion of the study, pay to Howard, Needles, Tammen and Bergendoff the total amount due for said study.

3. Submit to City a bill for City's share of costs as indicated on the attached "Scope of Services", which said bill will be in the estimated amount of $31,472.

CITY SHALL:

1. Cooperate with State and Howard, Needles, Tammen and Bergendoff in furnishing any information or data required by said consultants in furtherance of the study being conducted by virtue of this agreement.

2. Have the right to review any changes that might increase the cost of the study.

3. Upon satisfactory completion of the study and receipt of the above mentioned bill from State, pay to State the estimated sum of $31,472.

THIS AGREEMENT shall remain in full force and effect until completion of said project as aforesaid; provided, however, that this agreement may be cancelled by either party upon 30 days' written notice by one party to the other party. In the event of cancellation, previously incurred costs shall be shared in the manner described above.

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.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

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

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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 the 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.

AUG 27 1985

CITY OF PHOENIX, a municipal corporation
MARVIN A. ANDREWS, City Manager

By: _____
CITY ENGINEER

ATTEST:

_____

Title: CITY CLERK

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

By: _____
W. O. FORD
State Engineer

Approved as to form

_____
ACTING City Attorney

PROJECT: I-10-3(95)

SECTION: Major Development Project near Central Avenue and the Papago Freeway

RESOLUTION

BE IT RESOLVED on this 31 day of MAY, 1985, that I, Charles L. Miller, 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 Phoenix for the purpose of having prepared a traffic and transit study for the proposed major development project near Central Avenue and the Papago Freeway.

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

Charles L. Miller

Charles L. Miller, Director
Arizona Department of Transportation

JDC:ks

RESOLUTION NO. 16617

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE OF ARIZONA FOR A TRANSPORTATION STUDY OF CENTRAL AVENUE ACCESS TO I-10; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That the City Manager, or his designee, is authorized to execute an agreement on behalf of the City of Phoenix with the State of Arizona, acting through its Department of Transportation, for the purpose of having a traffic and transit study prepared for the proposed major development project near Central Avenue and the Papago Freeway.

SECTION 3. WHEREAS, the immediate operation of the provisions of this resolution is necessary for the preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist, and this resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

PASSED by the Council of the City of Phoenix this 19 day of JUNE, 1985.

HOWARD ADAMS
ACTING MAYOR

ATTEST:

DONNA CULBERTSON City Clerk

APPROVED AS TO FORM:

L. VERDE BLUE ACTING City Attorney

REVIEWED BY:

PETER F. STARRETT ASSISTANT City Manager

JWS:kf
2247V
06/11/85

CITY ATTORNEY
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

The Intergovernmental Agreement between the City of Phoenix and the State of Arizona acting through the Arizona Department of Transportation regarding the traffic and transit study for the proposed major development project near Central Avenue and the Papago Freeway has been reviewed pursuant to A.R.S. Section 11-952 by the undersigned Assistant City Attorney who has determined that the Agreement is in proper form and is within the powers and authority granted to the City of Phoenix under the laws of the State of Arizona.

DATED this 31st day of July, 1985.

RODERICK G. McDOUGALL
CITY ATTORNEY

By _____
Assistant City Attorney

Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 85-529, 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 the proper form and is within the powers and authority granted to 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 13th day of September, 1985.

ROBERT K. CORBIN
Attorney General

James R. Redpath

Assistant Attorney General
Transportation Division

2018G

SCOPE OF SERVICES
I-10 AND CENTRAL AVENUE TRAFFIC STUDY
ESTIMATED HOURS AND COSTS

	Trans/ Highwy Enginr	Traff Enginr	Transit Transp Plner	Graph/ Draftr	Cleric	Cost
I. TRAFFIC ANALYSIS (CITY 50%, STATE 50%)						
A. Estimate Background Traffic			24			960
B. Trip Generation			16			640
C. Trip Distribution & On-Site Trip Interaction			24			960
D. Transit Estimation			24			960
E. Traffic Assignment			48	16	8	2,632
F. Traffic Projection Maps			4	32		1,184
II. FREEWAY ACCESS FOR THE DEVELOPMENT (STATE 100%)						
A. Develop Alternatives	160	20		80		11,780
B. Traffic level of Service		120	24	80		8,920
C. Cost Estimation	16	8	16			1,832
D. Evaluation	40	32	40	60	24	7,640
III. SURFACE STREETS (CITY 100%)						
A. Access to Proposed Development	8	24		8		1,752
B. Transit Access Analysis		8	60			2,760
C. Analysis of City Street Improvements	16	40		8		2,888
D. Technical Report	8	8	16	24	24	2,784
IV. ENVIRONMENT ASSESS REVIEW (STATE 100%)		16	56		8	3,160

	Trans/ Highwy Enginr	Traff Enginr	Transit Transp Piner	Graph/ Draftr	Cleric	Cost
V. FREEWAY ACCESS REQUEST (STATE 100%)						
A. Support ADOT	8	8	8	16	20	2,108
B. Public Participation	8	8	8	24	20	2,364
						$55,324
VI. RAIL TRANSIT ACCESS STUDY (CITY 100%)						
A. Define Rail Transit Potential	10		10			920
B. Alternative Corridor Alignments	40		20	40		4,160
C. Estimation of Transit Ridership			30			1,200
D. Evaluation of Corridor/Technology Options	20		40	20	10	3,530
E. Development of Estimated Costs & Revenues	30		20			2,360
F. Final Report	10		40	40	10	3,650
						$71,144
Direct Expenses - In-house Computer						1,250
- Printing & Reproduction						1,200
- Presentation Material (CITY $1,800, STATE $1,500)						850
GRAND TOTAL						$74,444