ES891

A.G. CONTRACT NO. KR89-0380-TRD

ECS FILE: IGA-87-07

PROJECT: F-028-1-313PE, -513C
SECTION: Power Road - U.S. 60 Phase II

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MARICOPA COUNTY

H2-88

THIS AGREEMENT entered into this 20 day of July, 1989, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State" and the COUNTY OF MARICOPA, acting by and through its duly elected governing body, hereinafter called "County".

WHEREAS, State is empowered by Sections 11-952 and 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 Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of State; and

WHEREAS, County is empowered by Section 11-251, Subsection 29 Arizona Revised Statutes to enter into this agreement; and

WHEREAS, State desires to construct the Superstition Freeway (S.R. 360) from Ellsworth Road to Ironwood Drive including drainage improvements to direct and store runoff from overchutes on the Salt-Gila Aqueduct; said drainage improvements to include installation of a four-barrel box culvert across Southern Avenue west of the Salt-Gila Aqueduct within County right-of-way; and

WHEREAS, County has completed plans to construct roadway and drainage improvements to Southern Avenue between Ellsworth Road and Meridian Drive; said plans will require roadway and drainage revisions to approximately 0.7 miles of Southern Avenue to accommodate installation of a four-barrel box culvert across Southern Avenue west of the Salt-Gila Aqueduct within County right-of-way; and

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NO. 14052.
FILED WITH SECRETARY OF STATE
Date Filed 7-20-89
Jim Shumway
Secretary of State
By B J Vermillion

WHEREAS, the total cost to construct the four-barrel box culvert across Southern Avenue west of the Salt-Gila Aqueduct within County right-of-way to direct and store runoff from overchutes on the Salt-Gila Aqueduct less the estimated cost for constructing dip sections in accordance with County plans is estimated to be SEVEN HUNDRED NINETY-THREE THOUSAND NINETY-THREE DOLLARS ($793,093) as detailed on Exhibit A attached hereto and made a part hereof and State agrees to bear the cost for construction of said improvements, including costs relating to construction change orders, delays, or valid claims for extra compensation made by the contractor; and

THEREFORE, the parties hereto agree as follows:

STATE WILL:

1. Revise County roadway and drainage plans for Southern Avenue (approximately 0.7 miles) as necessitated by drainage improvements for collecting and retaining runoff from overchutes on the Salt-Gila Aqueduct, including installation of a four-barrel box culvert crossing Southern Avenue just west of the Salt-Gila Aqueduct.

2. Provide the above described roadway and drainage plans and specifications for Southern Avenue to County for review and approval.

3. Upon request of County, grant County a permit to excavate up to 50,200 cubic yards of material from the retention basin site proposed between S.R. 360 and Southern Avenue west of the Salt-Gila Aqueduct. Said material to be used as embankment for construction of Southern Avenue from Ellsworth Road to Meridian Drive.

4. Contract for construction of all roadway and drainage facilities within the right-of-way for S.R. 360, including construction of drainage basins located north of S.R. 360 and west of the Salt-Gila Aqueduct; supervise construction; make all payments to the contractor; and approve and accept new facilities.

5. Notify County of final inspection to be performed for said drainage facilities delineated above and constructed by State (Refer to Exhibit B.)

6. Remit payment in full to County within 60 days of receipt of bill for the construction of the four-barrel box culvert crossing Southern Avenue less the estimated cost for constructing dip sections in accordance with County plans.

COUNTY WILL:

1. Review and approve revised roadway and drainage plans for Southern Avenue prepared by State.

2. Request a permit from State and abide by the terms of the permit granted by State for excavation of up to 50,200 cubic yards of material from the retention basin site proposed between S.R. 360 and Southern Avenue west of the Salt-Gila Aqueduct. Said material is to be used as embankment for construction of Southern Avenue from Ellsworth Road to Meridian Road.

3. Contract for construction of roadway and drainage improvements for Southern Avenue from Ellsworth Road to Meridian Road, including the four-barrel box culvert crossing Southern Avenue west of the Salt-Gila Aqueduct; supervise construction; make all payments to the contractor; and approve and accept the new facilities.

4. Submit to State a detailed breakdown of actual construction costs for four-barrel box culvert crossing Southern Avenue west of the Salt-Gila Aqueduct and a bill for said costs less the estimated cost for construction of dip sections in accordance with County plans, upon completion of construction of said drainage improvements.

5. Be responsible for the structural integrity and maintenance of box culvert and headwalls constructed within and outside of County right-of-way for Southern Avenue.

6. Be responsible for all construction claims should construction of the four-barrel box culvert crossing at Southern Avenue or retention basin excavation delay the contractors operations.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

THIS AGREEMENT shall remain in full force and effect until completion of said construction projects as aforesaid; provided, however, that this agreement may be canceled at any time prior to the commencement of construction upon 30 days' written notice to the other parties; provided, however, agreements herein relating to maintenance shall be in perpetuity.

THIS AGREEMENT may be amended or terminated only upon written agreement of all parties hereto.

Both parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

Both parties further recognize that the provisions of Section 35-214 Arizona Revised Statutes are applicable to this contract.

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.

Attached hereto and incorporated herein by reference is a copy of State's Resolution authorizing entry into this agreement 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.

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY: Gary K. Robinson
Gary K. Robinson
Chief Deputy State Engineer

MARICOPA COUNTY

Recommended by:

5.17.89

D.C. Black, P.E. Date
Assistant County Engineer

Reviewed and Approved:

6-1-89

A.W. Collins, P.E. Date
Assistant County Manager/Public
Works Director and County Engineer

Approved and Accepted:

BY: _____
Chairman, Board of Supervisors

Attest:

BY: _____ JUN 19 1989
Clerk of the Board Date

This Intergovernmental Agreement has been reviewed pursuant to Arizona Revised Statutes 11-952, as amended, by the undersigned Deputy County Attorney, who has determined that it is in proper form and within the powers and authority granted to Maricopa County under the laws of the State of Arizona.

5-19-89

Deputy County Attorney Date

MARICOPA COUNTY BOARD OF SUPERVISORS

AGENDA INFORMATION FORM

RETURN TO HIGHWAY

Contract/Lease for NEW ___ RENEWAL ___ AMENDMENT ___ CANCELLATION ___
(for existing, record Encumbrance No. below)

LOW ORG. NO. 6420 DEPARTMENT: HIGHWAY/ENGINEERING CONTROL NUMBER: HD 673-88

ENCUMBRANCE NO. _____ AGENCY: PUBLIC WORKS CONTROL NUMBER: PW 673-88

1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:

It is recommended by the County Engineer that the Board of Supervisors approve an intergovernmental agreement with the Arizona Department of Transportation (ADOT) for the improvement of Southern Avenue from Ellsworth Road to Meridian Road as a County project, Work Order No. 68313, that provides for reimbursement to the County by ADOT for the costs incurred to build a four barrel box culvert under Southern Avenue, estimated to be $793,093. The agreement also provides for the County to excavate up to 50,200 cubic yards of earth borrow material from the State's retention basin site for use in the roadway embankment construction at no cost to the County.

This agreement does not involve any County funds beyond those already encumbered under the construction contract for this project.

Upon approval by the Board of Supervisors, please return the original executed documents to Mr. Barry Nauseda, Assistant County Engineer,

Compliance with Maricopa County Procurement Code _____ article _____ paragraph

Please return an executed copy to the Clerk of the Board of Supervisors.

2. CONTINUED FROM MEETING OF
DISCUSSED IN MEETING OF

3. THIS DEPARTMENT WILL CAUSE PUBLICATION
CLERK OF THE BOARD TO CAUSE PUBLICATION

4. MOTION: It is moved that the Maricopa County Board of Supervisors ... approve and authorize the execution of the intergovernmental agreement with the Arizona Department of Transportation for cost sharing by the State in the improvement of Southern Avenue between Ellsworth Road and Meridian Road, Work Order No. 68313.

Please return an executed copy to the Clerk of the Board of Supervisors.

5. FINANCIAL: ___ Budgeted ___ Contingency ___ Budget Amendment ___ Transfer ___ Grant or other

$ _____ Total Cost/Revenue _____ Fund _____ Financial Officer _____ Date

6. PERSONNEL:

_____ Personnel Director _____ Date

7. DEPARTMENT: Highway 6400 DW:sp

[signature] 5.17.89
Action Recommended by Date

8. MATERIALS MANAGEMENT:

_____ Materials Management Director _____ Date

9. LEGAL Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Maricopa County Board of Supervisors.

[signature] 5-19-89
Deputy County Attorney Date

10. OTHER: _____

_____ (Signature) _____ Date

11. APPROVED FOR AGENDA:

_____ Approving Official _____ Date

12. BOARD OF SUPERVISORS: Action taken:
___ Approved ___ Amended ___ Disapproved ___ Deleted
Continued to: _____ (Date and type of meeting)

[signature] JUN 19 1989
Clerk of the Board Date

13. RECOMMENDATION OF COUNTY MANAGER: _____
___ Approve ___ Disapprove
Comments: _____

_____ County Manager _____ Date

1300-008 R1-88 5/16/89

IGA 87-07

RESOLUTION

BE IT RESOLVED on this 23th day of June 1989, that I, CHARLES L. MILLER, as Director of the 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, to enter into an agreement with Maricopa County for the purpose of construction and improvements to the Superstition Freeway (SR 360) from Ellsworth Road to Ironwood Drive.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

Ray Ellis

for CHARLES L. MILLER, Director
Arizona Department of
Transportation

1203j/2

RECEIVED
JUL 17 1989
Engineering Consultants Services

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

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR89-0380-TRD, 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 July, 1989.

ROBERT K. CORBIN
Attorney General

James R Regnes
Assistant Attorney General
Transportation Division

3658G

APPROVAL OF THE COUNTY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the COUNTY OF MARICOPA 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 19th day of May, 1989.

1979j

ECS File: IGA-87-07

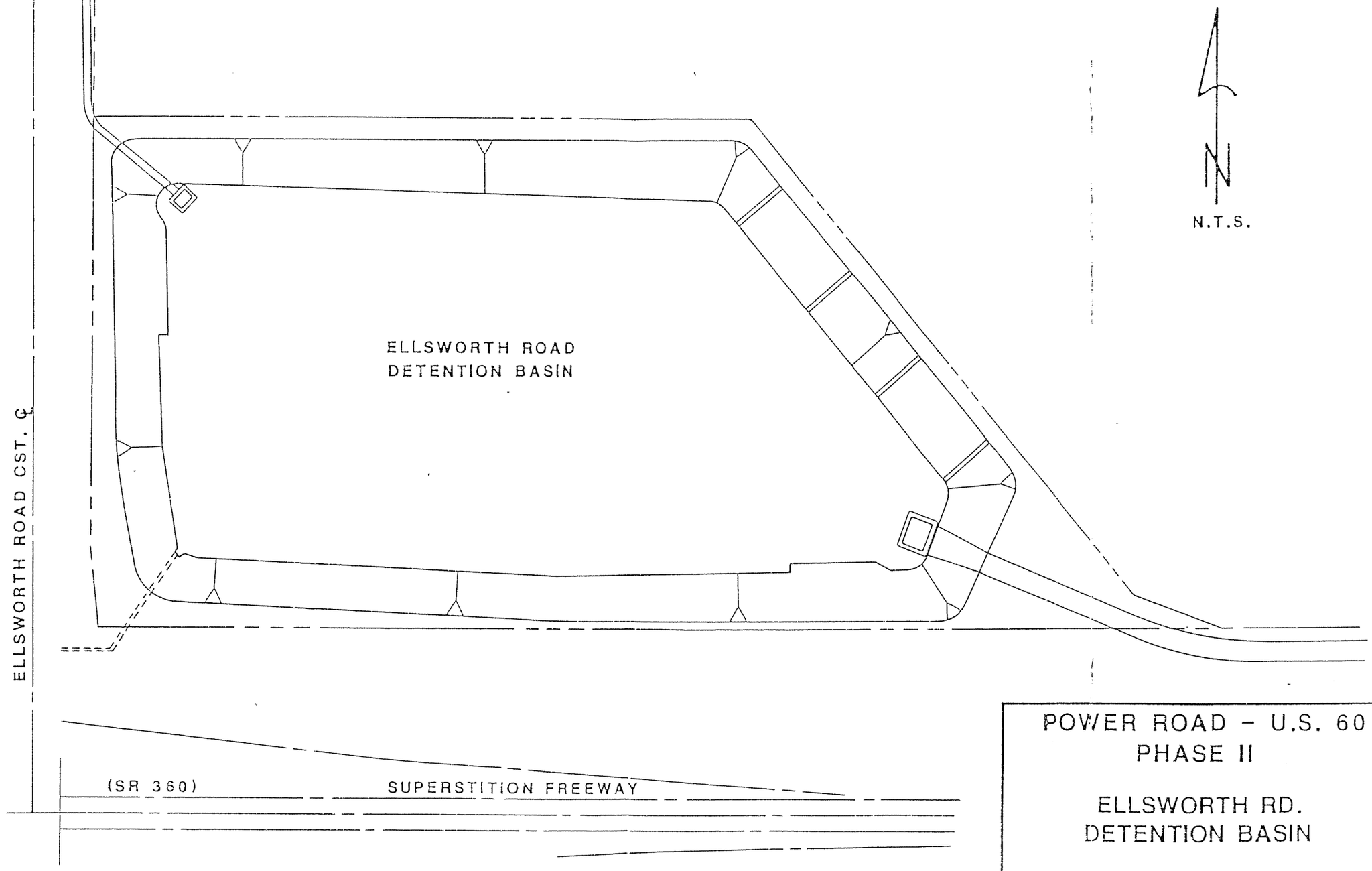
EXHIBIT A

to

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MARICOPA COUNTY

Estimated Construction Costs for Four-Barrel Concrete Box Culvert

description	unit	quantity	unit cost	amount
HEADWALL				
Concrete	Cu. Yd.	43	$250	10,750
Steel	Lbs.	3,223	$0.45	1,450
BOX CULVERT				
Concrete	Cu. Yd.	2,175	$250	543,750
Steel	Lbs.	242,532	$0.45	109,139
EARTHWORK				
Structural Excavation	Cu. Yd.	22,531	$4.00	$ 90,124
Structure Backfill	Cu. Yd.	1,276	$12.00	15,312
Backfill	Cu. Yd.	21,027	$2.50	52,568
Subtotal				$ 823,093
Less: Estimated Costs for Constructing Dip Sections in accordance with County Plans				30,000
Total Costs Assigned to State				$ 793,093



POWER ROAD - U.S. 60
PHASE II

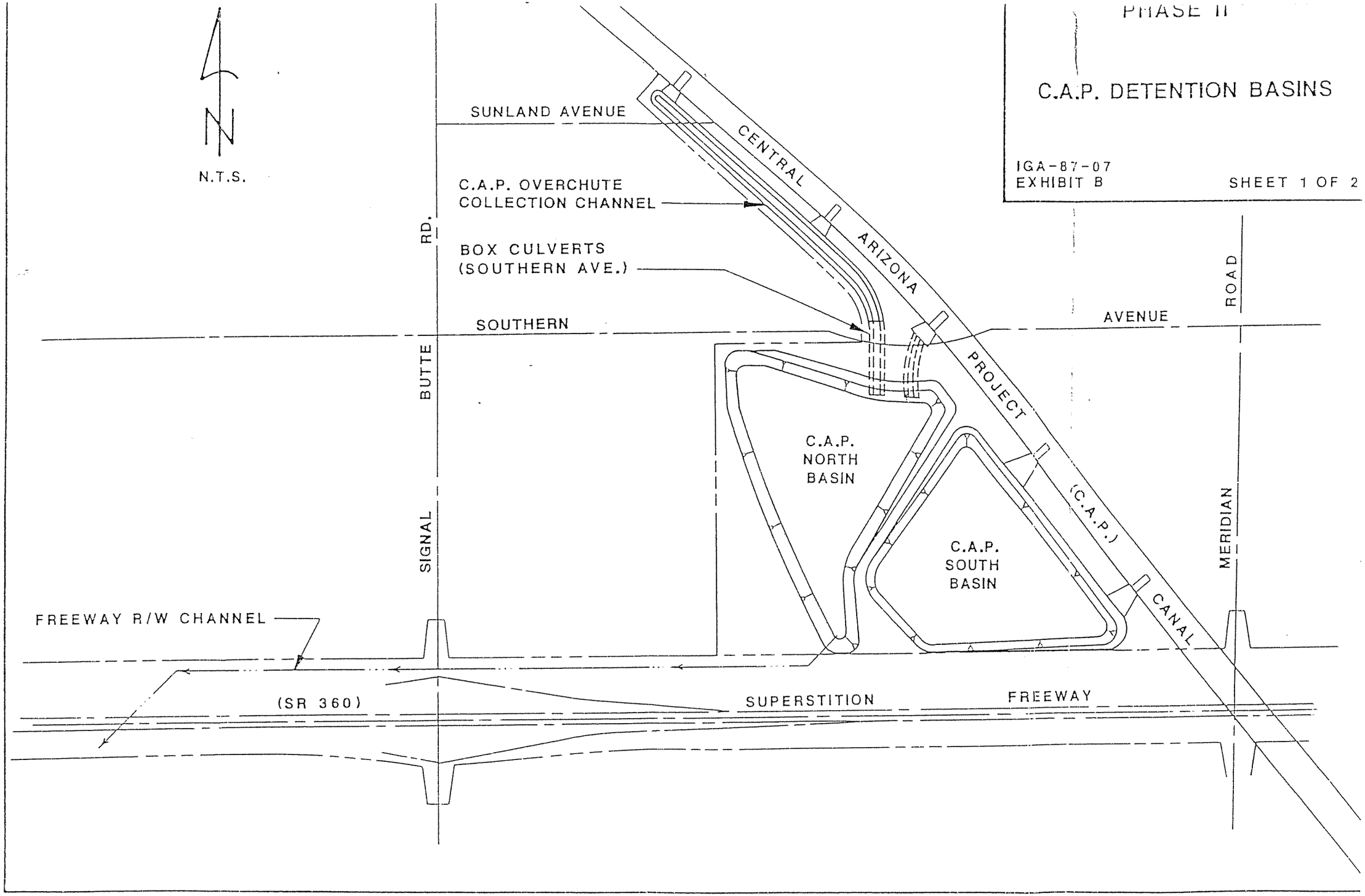
ELLSWORTH RD.
DETENTION BASIN

IGA-87-07
EXHIBIT B

SHEET 2 OF 2

PHASE II

C.A.P. DETENTION BASINS

IGA-87-07
EXHIBIT B

SHEET 1 OF 2