A.G. CONTRACT NO. KR87-1712

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF BENSON

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE" and the CITY OF BENSON, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said City,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of traffic signals at the following location:

On B-10 and Ocotillo Street - MP 304.80
City of Benson
Project #F-016-1-924

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

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on B-10 and Ocotillo Street in Benson.

2. The CITY, upon completion of the work shall reimburse the STATE for 25% of the final construction and engineering costs at B-10 and Ocotillo Street not to exceed $20,000 for its share of the cost of the work. The cost of the portion of the right-turn lane addition, within State right-of-way, shall be borne by the State.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: _____
State Engineer

DATE: 13 July 1987

CITY OF BENSON

BY: James F. Mellentin

TITLE: Mayor

DATE: May 8, 1987

ATTEST:

Marge Bidegain Deputy City Clerk
City Clerk

Date: May 8 1987

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

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR87-1712, 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 15th day of July, 1987.

ROBERT K. CORBIN
Attorney General

Albert Morgan
Assistant Attorney General
Transportation Division

3658G

NO. 11854
FILED WITH SECRETARY OF STATE
Date Filed 7-22-87
Secretary of State

PROJECT # F-016-1-924
B-10 and Ocotillo Street - MP 304.80
City of Benson

RESOLUTION

BE IT RESOLVED ON THIS 20 day of April, 1987, 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 a Construction Intergovernmental Agreement with the City of Benson for the installation of traffic signals justified by a Traffic Engineering study and a Letter Addendum to the Maintenance Intergovernmental Agreement for the operation and maintenance of traffic signals and/or highway lighting. The City of Benson shall reimburse the State for 25 per cent of the final construction and engineering costs not to exceed $20,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement and Addendum 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

EXHIBIT "A"

Stop Light Agreement Resolution:

Councilman Crawford moved to adopt Resolution No. 18-87. Seconded by Councilman Flanders. 4 members voted "yes". Mayor Mellentine did not vote. Motion carried.

RESOLUTION No. 18-87

A RESOLUTION OF THE MAYOR AND CITY COUNCIL, BENSON, ARIZONA, DATED THIS 6th DAY OF May 1987

authorizing the Mayor to sign the Construction Intergovernmental Agreement and Letter Addendum for B-10 and Ocotillo St. between the City of Benson and Arizona Department of Transportation.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL, BENSON, ARIZONA, DATED THIS 6th DAY OF May 1987.

James F. Mellentine - Mayor

ATTEST: Marge Bidegain
Marge Bidegain - Deputy Clerk

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement and Letter Addendum to the Maintenance Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF BENSON and declare the Agreement and Addendum to be in proper form and within the powers and authority granted under the laws of the STATE OF ARIZONA.

DATED this 8th day of May, 1987.

CITY OF BENSON

BY: Mark E. Battaglia
City Attorney

EXHIBIT "C"
LETTER ADDENDUM

In accordance with paragraph 7 of the Agreement AG #81-626, Secretary of State #7504 dated November 9, 1981, for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF BENSON, it is agreed by both parties that the following intersection be added to the existing list of intersections to be operated and maintained as set forth in said Agreement:

B-10 and Ocotillo Street
MP 304.80
City of Benson

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: _____
State Engineer

DATE: 13 June 1987

CITY OF BENSON

BY: _____

TITLE: Mayor

DATE: May 8, 1987

ATTEST:

Marge Billigan, Deputy City Clerk
City Clerk

Date: May 8 1987