A. G Contract No KR99 2389TRN
ADOT ECS File No : JPA 99-156
Project: 090 CH 289/H3139 03C
Section: SR-90, I-10 – Kartchner Caverns State Park
Signal, and Street Lighting at Various Locations

ITEM # 16999

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

THIS AGREEMENT is entered into 19 June ~~2000~~ 2001, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF BENSON, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 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 has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 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 has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction, maintenance and operation of a new warranted traffic signal at the intersection of SR-90 and Village Loop Road, at an estimated cost of $120,000.00, and new street lighting (10 poles) at various locations in the City, at an estimated cost of $40,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

==========

NO. 24704
Filed with the Secretary of State
Date Filed: 06/19/01
Betsey Bayless
Secretary of State
Vicky J. Graeewald

II. SCOPE

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the Project. Incorporate City review comments as appropriate.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the City on any Project related contract modifications, and be responsible for its proportionate share of same. Be responsible for any contractor claims for extra compensation attributable to the State.

c. Be responsible for half of the cost of the signal cost, in an amount estimated at $60,000.00, and for the entire cost of the street lighting, at an estimated cost of $40,000.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance to the traffic signal.

e. Invoice the City for its fifty percent share of the cost of the signal, in an amount not to exceed $60,000.00.

2. The City will:

a. Review the Project design documents and provide comments.

b. Within thirty (30) days after receipt and approval of an invoice, pay the State the City's fifty percent share for the cost of the signal, in an amount not to exceed $60,000.00. Be responsible for its proportionate share of any signal related construction contract modifications.

c. Be responsible for any contractor claims for extra compensation attributable to the City.

d. Upon completion and acceptance of the Project by the State, provide electrical energy to operate the signal and lighting, and provide maintenance to the lighting.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. 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 Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Benson
City Manager
Box 2223
Benson, AZ 85602

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF BENSON

By _____
JAMES M. CRAWFORD
Mayor

ATTEST

By _____
KAREN JOHNSON
City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
MICHAEL P. MANTHEY
State Traffic Engineer

APPROVED AS TO FORM:

_____
MARK E. BATTAGLIA
City Attorney

99-156.doc
28sep

JPA 99-156

RESOLUTION

BE IT RESOLVED on this 28th day of September 1999, that I, the undersigned MARY E. PETERS, 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 Intermodal Transportation Division, to enter into an agreement with the City of Benson for the purpose of defining responsibilities for the construction, operation and maintenance of a new traffic signal at the intersection of SR-90 and Village Loop Road, and the maintenance and operation of new roadway lighting in the City.

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

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

THE REGULAR MEETING OF THE MAYOR AND CITY
COUNCIL OF BENSON, ARIZONA HELD NOVEMBER 15, 1999
AT CITY HALL AT 7:00 P.M.

MAYOR CRAWFORD
OPENED THE MEETING AT 7:00 P.M WITH THE PLEDGE OF ALLEGIANCE.

PRESENT WERE: MAYOR CRAWFORD, VICE MAYOR ROTHERMICH, COUNCILMEMBERS HASKIN, MALDONADO, WILLIAMSON AND HAMILTON. ABSENT: MONTROY.

Approval of Minutes: Councilmember Williamson moved to accept the November 1, 1999 minutes as presented. Seconded by Councilmember Maldonado. Motion passed 6-0.

Call to the Public Agenda Items Only: Mr. Leland spoke at length about the City's support for the Great American Smoke Out.

PROCLAMATION: Mayor Crawford proclaimed November 18, 1999 as the day for the "Great American Smoke Out" for the City of Benson in support of the American Cancer Society.

PROCLAMATION: Mayor Crawford read a proclamation supporting the goals and efforts of "All the Kings Horses Children's Ranch, Ltd." who provide assistance to the children and young persons who have been subjected to abuse and neglect.

OLD BUSINESS: None.

NEW BUSINESS:

Approval of Agreements Between City of Benson and SR-90 Property Owners for Traffic Signal Funding: Councilmember Haskin moved to approve the agreements between the City of Benson and the SR-90 property owners for traffic signal funding. Seconded by Vice Mayor Rothermich and Councilmember Hamilton. Motion passed 6-0.

Approval of Intergovernmental Agreement with Arizona Department Of Transportation for funding And construction of Traffic signal At SR-90: Councilmember Williamson moved to approve the Intergovernmental Agreement with Arizona Department of Transportation for funding and

construction of traffic signal at SR-90. Seconded by Councilmember Maldonado. Motion passed 6-0

Approval of Ordinance Annexing The Sands Ranch Property Into the Corporate Limits of The City of Benson: Councilmember Haskin moved to approve the ordinance annexing the Sands Ranch Property into the Corporate Limits of the City of Benson. Seconded by Councilmember Maldonado. Motion passed 6-0.

Resolution accepting Abandonment Of Ocotillo Avenue from the Arizona Department of Transportation: Councilmember Hamilton moved to approve the Resolution accepting the abandonment of Ocotillo Avenue from the Arizona Department of Transportation. Seconded by Vice Mayor Rothermich. Motion passed 6-0.

Approval of Agreement with The Boys and Girls Club of The San Pedro Valley: Councilmember Williamson moved to approve the agreement with The Boys & Girls Club of the San Pedro Valley. Seconded by Councilmember Maldonado. Motion passed 6-0.

Discussion and Possible Action Regarding December Council Meeting Schedule: Councilmember Haskin moved to cancel the December 20, 1999 meeting, with the provision that a special meeting could be scheduled if necessary. Seconded by Councilmember Hamilton. Motion passed 6-0.

Approval of Bills: Councilmember Williamson moved to pay the bills as presented. Seconded by Councilmember Hamilton. Motion passed 6-0

Council Directives: None.

Call to the Public-Other Items: Mr. Richard Leland spoke about parking broken down cars on City streets, about where the new wastewater treatment plant was, how the police department was not doing its job and he would like the City to provide credit card service.

Adjournment: Vice Mayor Rothermich moved to adjourn at 7:26 P.M. Seconded by Councilmember Williamson. Motion passed 6-0.

Jim Crawford

James Crawford, Mayor

ATTEST:

Karen H. Johnson

Karen H. Johnson, City Clerk

JPA 99-156

APPROVAL OF THE BENSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF BENSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 11th day of April, ~~1999~~ 2000

Mark E. Sotaryle

City Attorney

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025
FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR99-2389TRN, 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 June 8, 2001.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/687429

Enc.