AG Contract No.: KR00-0772TRN
ADOT ECS File No. JPA 00-66
Project: RAM 101-C-501
~~TRACS: H 5396 01 C~~
Section: SR 101L, Price Freeway,
Guadalupe Rd. - Warner Rd.

INTERGOVERNMENTAL AGREEMENT
LANDSCAPE MAINTENANCE
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TEMPE

THIS AGREEMENT is entered into 14 March, 2003 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 TEMPE, 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 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. It is to the mutual advantage of the State and the City to landscape certain areas within the right of way on SR-101L at the following location.

From SR 101L centerline roadway station 328+00 at Guadalupe Road to centerline roadway station 471+00., a total net distance of approximately 2.71 miles.

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

NO. 25887
Filed with the Secretary of State
Date Filed: 03/14/03
Janice K. Brewer
Secretary of State
By: Ling V. Groenewold

II. SCOPE OF WORK

1. The State will prepare to State standards design plans for the landscaping and irrigation project and submit them to the City for concurrence.

2 After City concurrence of the plans, the project will be constructed by the State, at State's expense.

3. The City shall furnish and install necessary water services from water mains to the designated locations within the right of way at the State's expense. The City will waive water development fees. All planned work within the State's Control of Access shall be requested through the State's Phoenix Maintenance District Permits Office.

4. The City shall furnish all water for landscape installation during the construction phase, and all water thereafter necessary to properly maintain the landscape, all at City expense.

5. After construction the State will maintain the landscaping and irrigation system, generally within the Control of Access.

6. After construction, the City shall maintain the irrigation system generally outside the Control of Access as designated on the attached Maintenance Exhibit, including all testing, adjusting, repairing and operation of the irrigation system, and shall furnish all electrical power necessary to operate the irrigation system.

7. The City hereby agrees to maintain the landscaping in areas designated on the Maintenance Exhibit. Landscape maintenance shall consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, applying irrigation water, furnishing and applying insecticide/herbicide sprays and dust to combat diseases and other pests, pruning and replanting as required to maintain the landscaping. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic.

III. MISCELLANEOUS PROVISIONS

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

2. 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 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 Further, this agreement may be terminated by the State at any time upon sixty (60) days written notice. It is understood and agreed that, in the event this agreement is terminated by the City, the State shall in no way be obligated to maintain said landscaping.

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 hereby 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 17th Avenue, Mail Drop 616E
Phoenix, AZ. 85007

City of Tempe
City Manager
P.O. Box 5002
Tempe, AZ. 85280

7. Attached hereto is the written determination of each party's legal counsel 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 TEMPE

By Neil G Giuliano
Mayor

STATE OF ARIZONA
Department of Transportation

By Susan Tellez
SUSAN TELLEZ
Contract Administrator

ATTEST

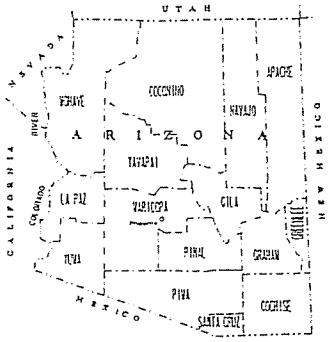
By Kathy Ernst
City Clerk

APPROVED AS TO FORM

By Marie A. Pontrelli
City Attorney

00-066.doc
27Jan2003 rmh

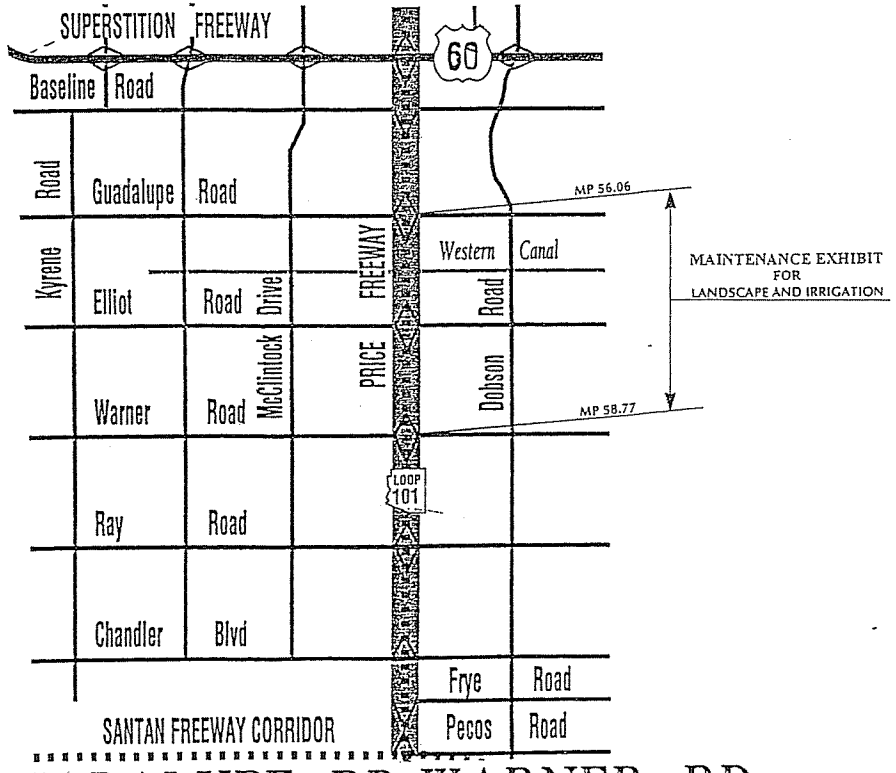
4-24-2000

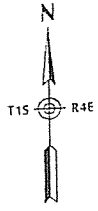


STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION

PLAN AND PROFILE OF PROPOSED

STATE HIGHWAY
PRICE FREEWAY (SR 101L)
RAM-101-C-501
101 MA 056





GUADALUPE RD-WARNER RD

ADOT

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
APPROVED: EDWARD D. WRIGHT
STATE ENGINEER

APPROVED DATE

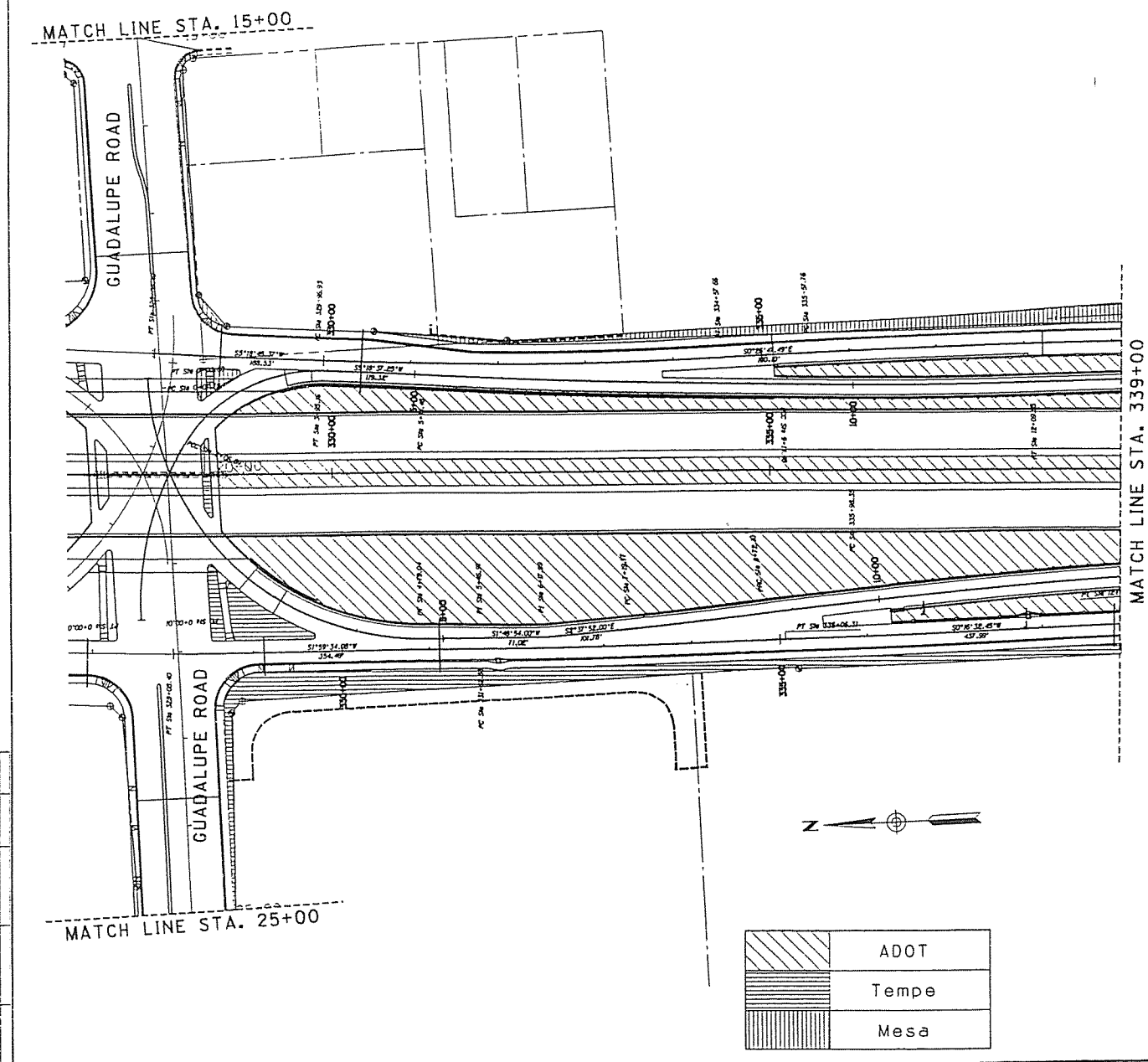
ASSISTANT STATE ENGINEER

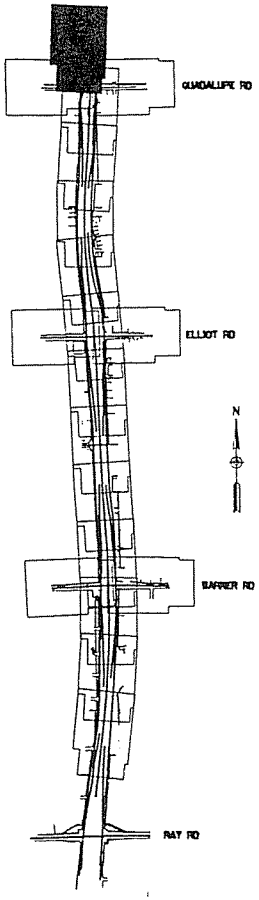
TRACS NO. H5396 01 C

OF

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	RAM 101-C-501	1		

101L MA 056





	ADOT
	Tempe
	Mesa

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

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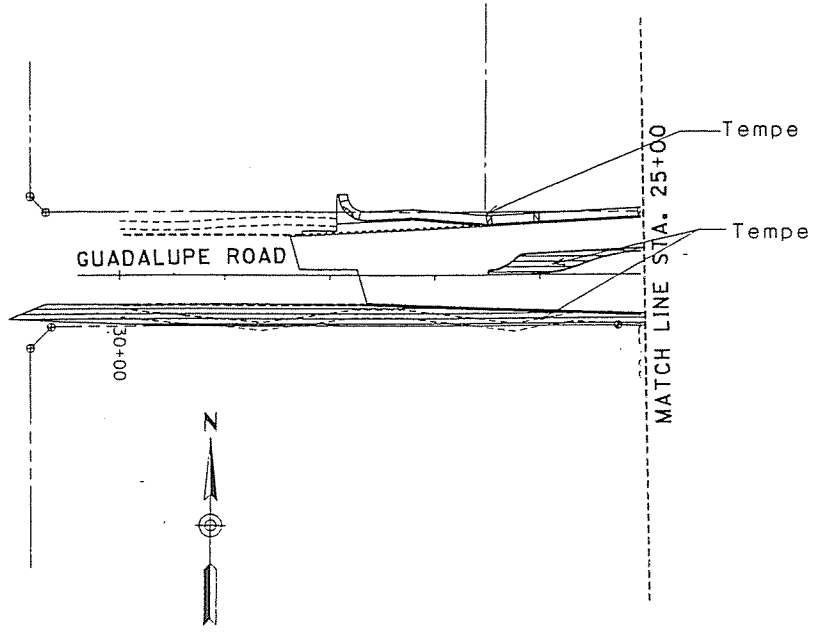
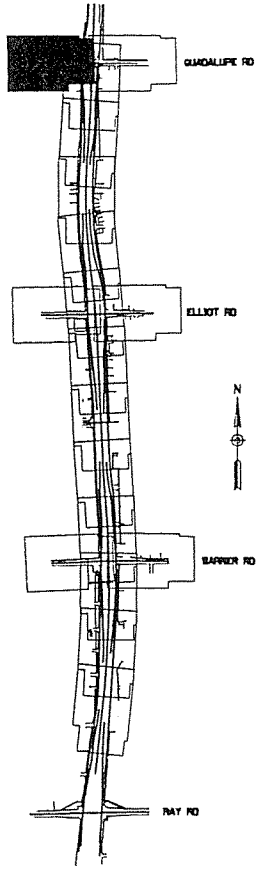
101L MA 056





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	ADOT
	Tempe

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

SHEET ___ OF ___

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

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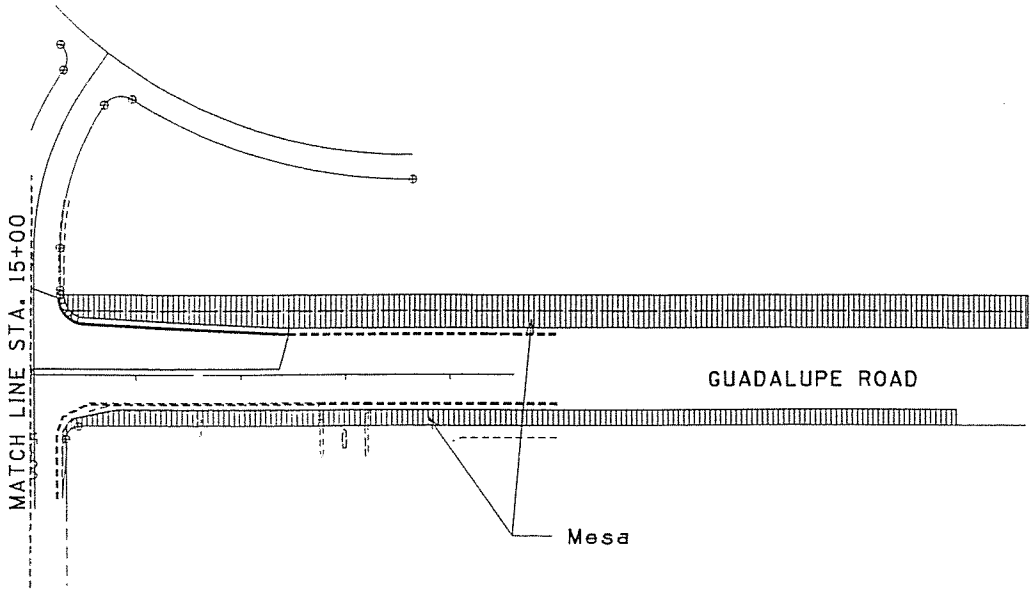

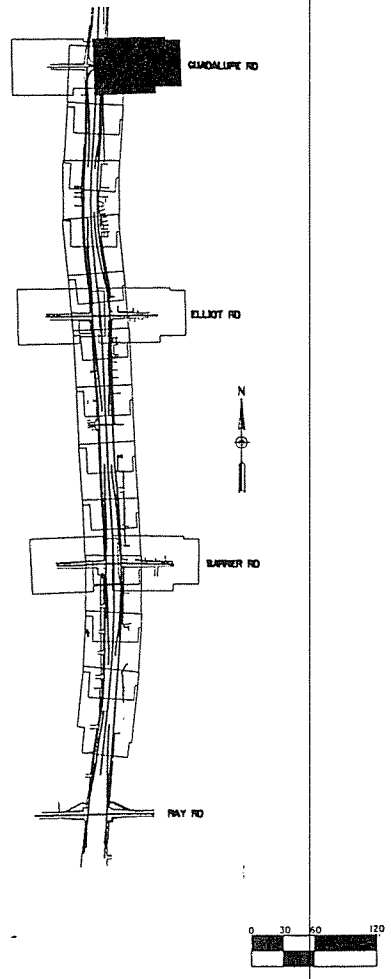

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Mesa

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. E.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

ROUTE	LOCATION
101L	PRICE FREEWAY - GUADALUPE RD TO WARNER RD

SHEET ___ OF ___

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

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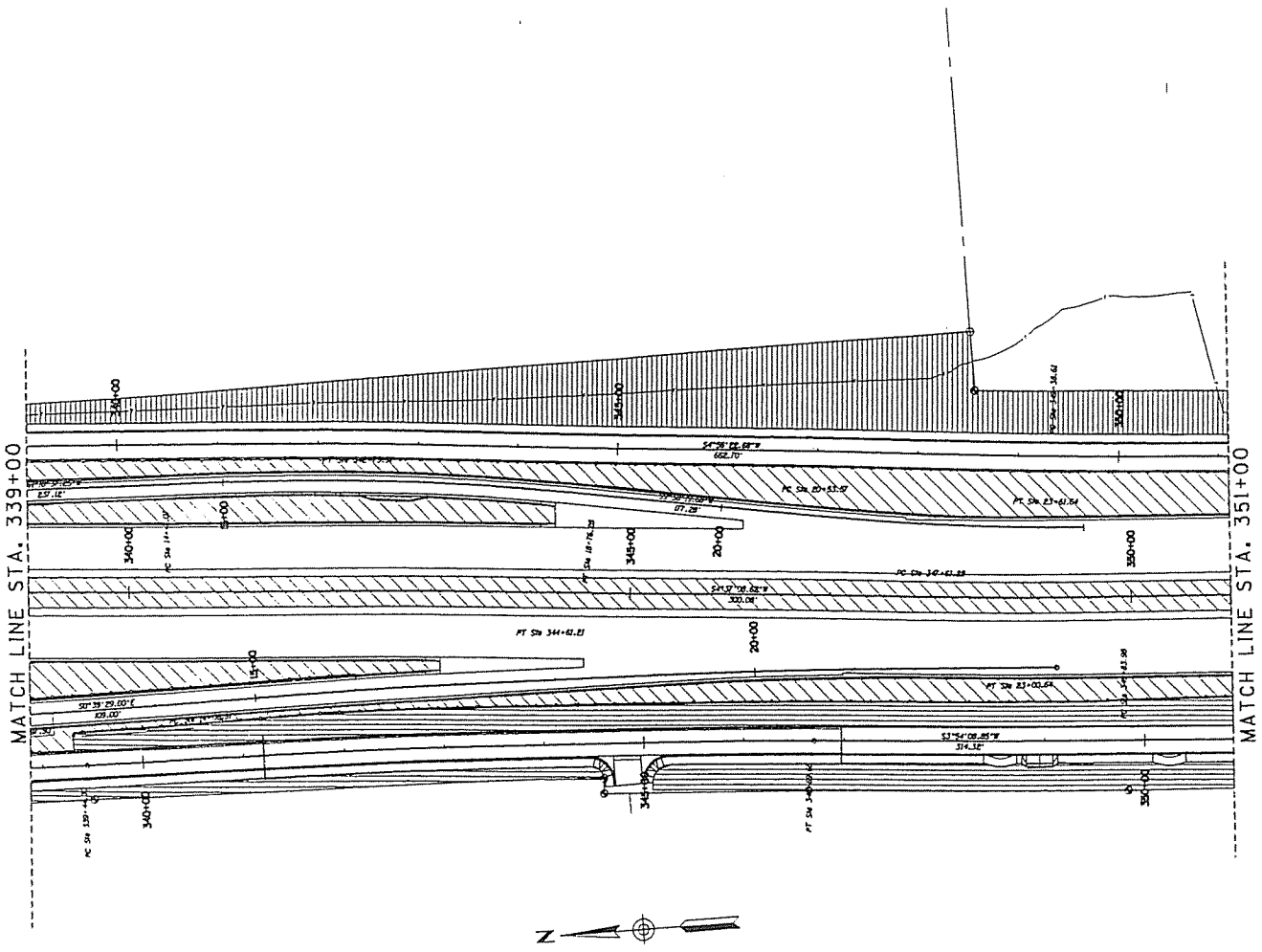
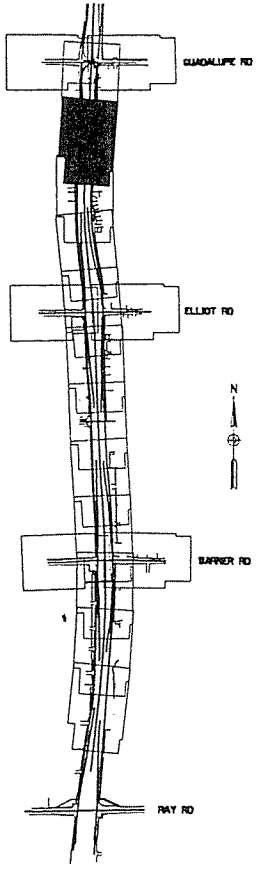
101L MA 056





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	ADOT
	Tempe
	Mesa

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. R.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C | PROJECT NO. RAM 101-C-501 | SHEET ___ OF ___

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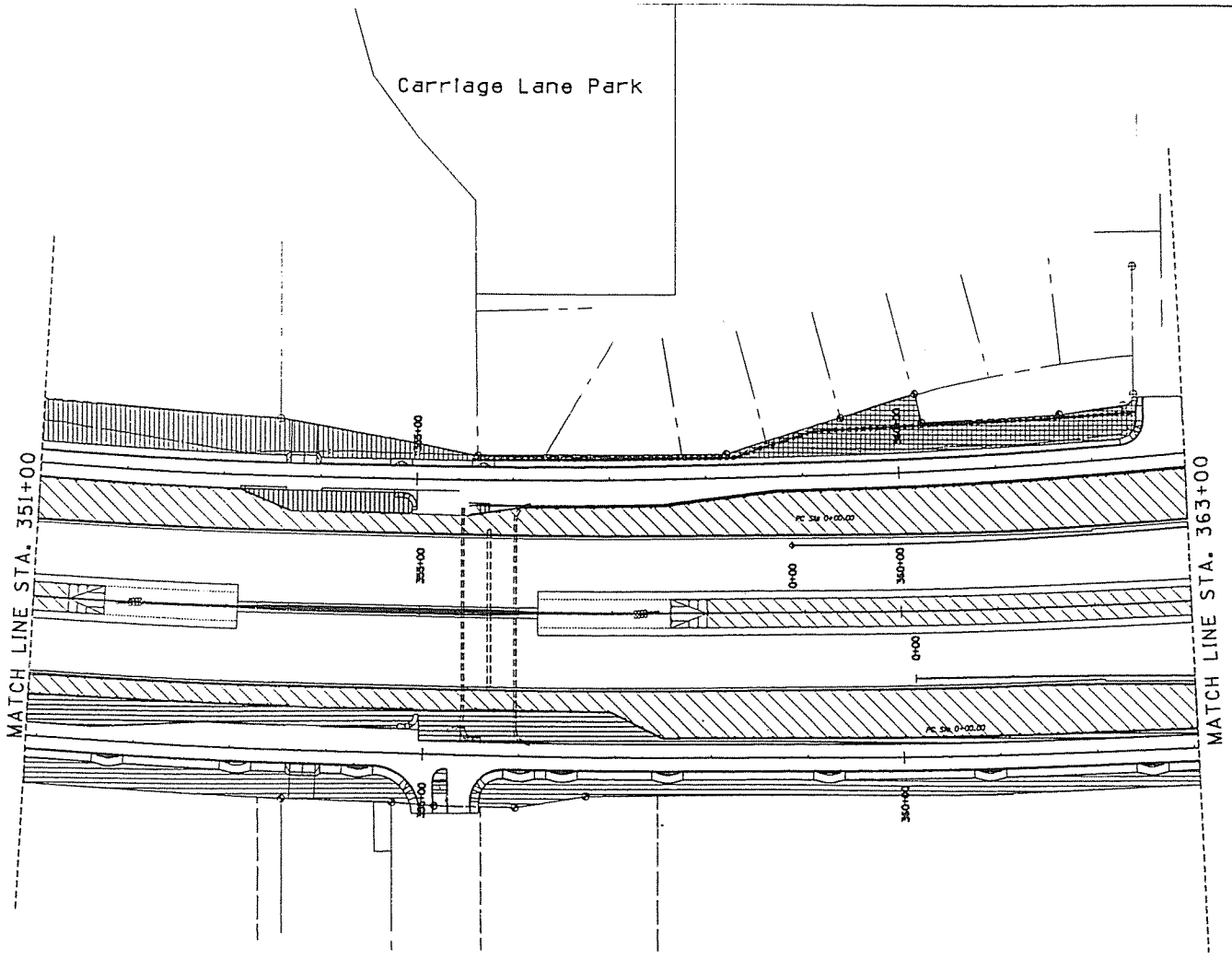
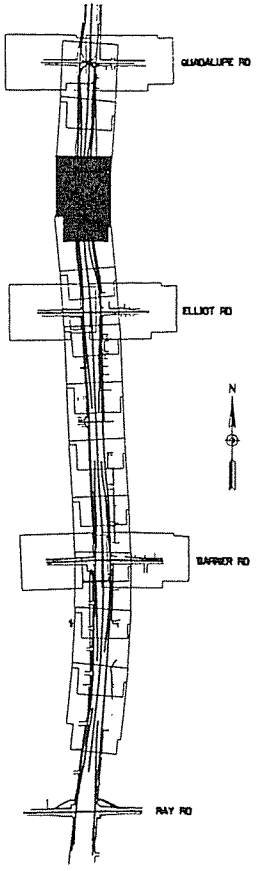
		101L MA 056			





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	ADOT
	Tempe
	Mesa
	Chandler

0 30 60 120

	NAME	DATE	ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION ROADSIDE DEVELOPMENT SECTION	PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING
DESIGN	JOSEPH R. SALAZAR	4/2000		
DESIGN				
DRAWN	Z. F.	4/2000	MAINTENANCE EXHIBIT	
DRAWN	S. D. & R. C.	4/2000		
CHECKED	JOSEPH R. SALAZAR	4/2000		
TEAM LEADER	JOSEPH R. SALAZAR			
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD			SHEET OF
TRACS NO. H5396 01C			PROJECT NO. RAM 101-C-501	OF

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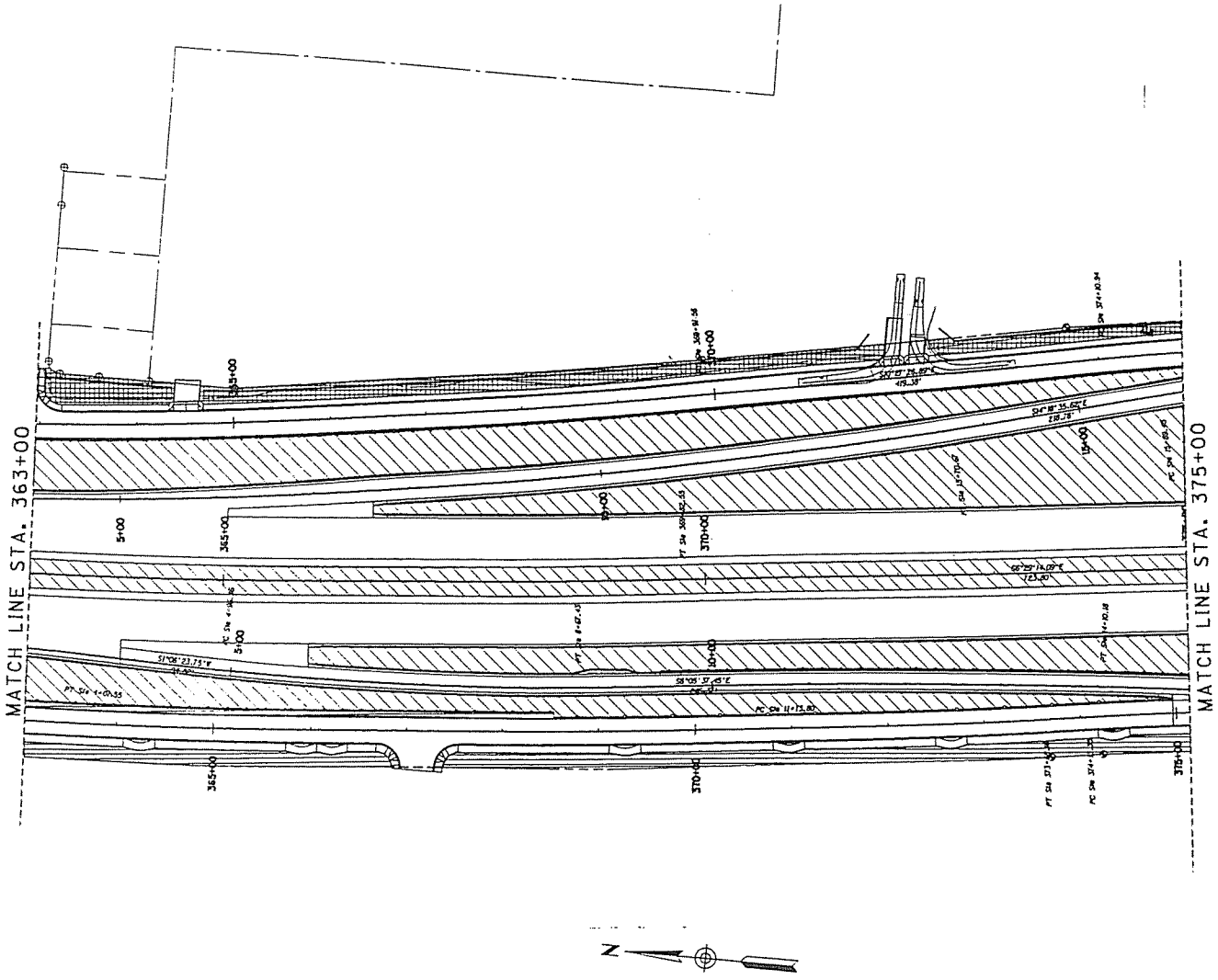
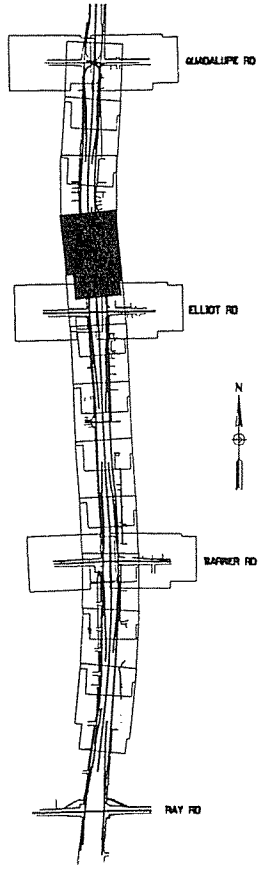
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

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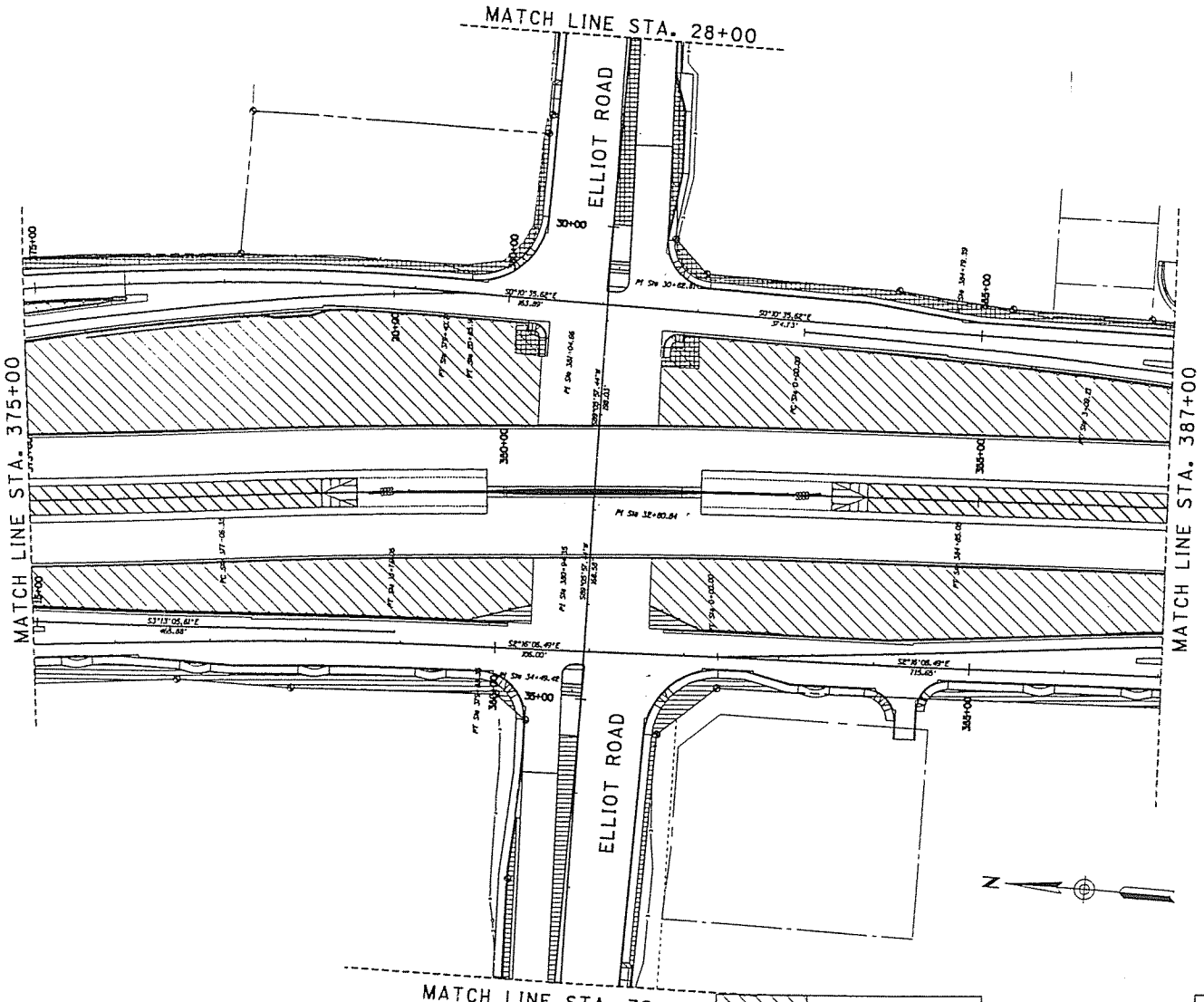
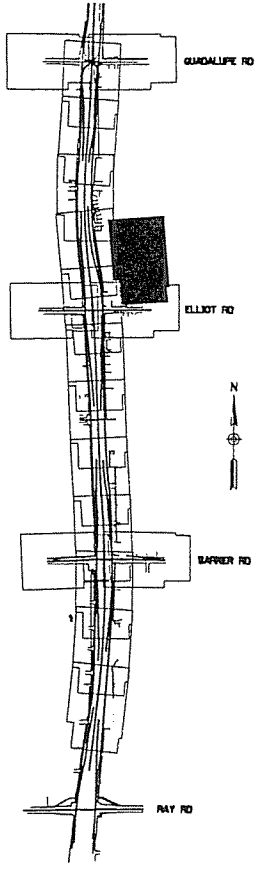
101L MA 056





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	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	L. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE	LOCATION	
101L	PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

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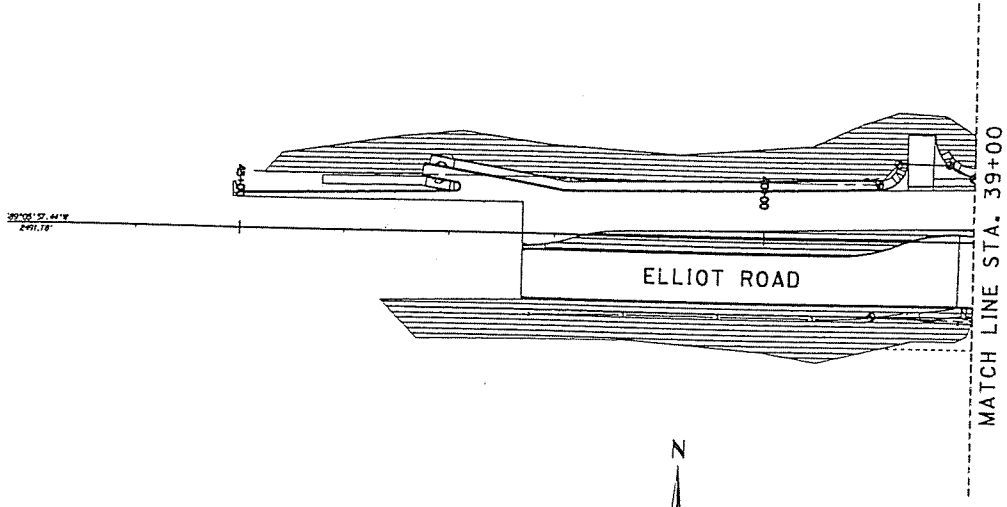

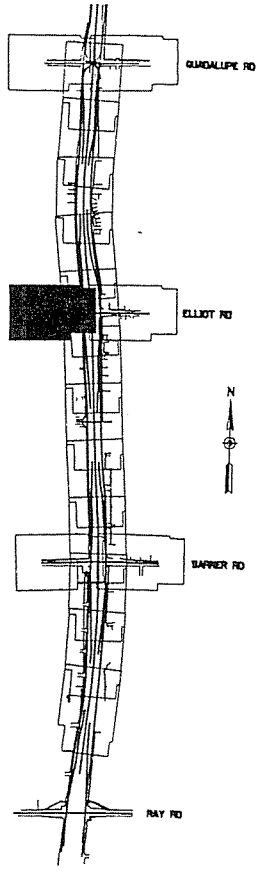

	ADOT
	Tempe

	NAME	DATE	ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION ROADSIDE DEVELOPMENT SECTION	PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING
DESIGN	JOSEPH R. SALAZAR	4/2000		
DESIGN				
DRAWN	Z. F.	4/2000	MAINTENANCE EXHIBIT	
DRAWN	S. G. & R. K.	4/2000		
CHECKED	JOSEPH R. SALAZAR	4/2000		
TEAM LEADER	JOSEPH R. SALAZAR			
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD			SHEET OF
TRACS NO. H5396 01C			PROJECT NO. RAM 101-C-501	OF

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F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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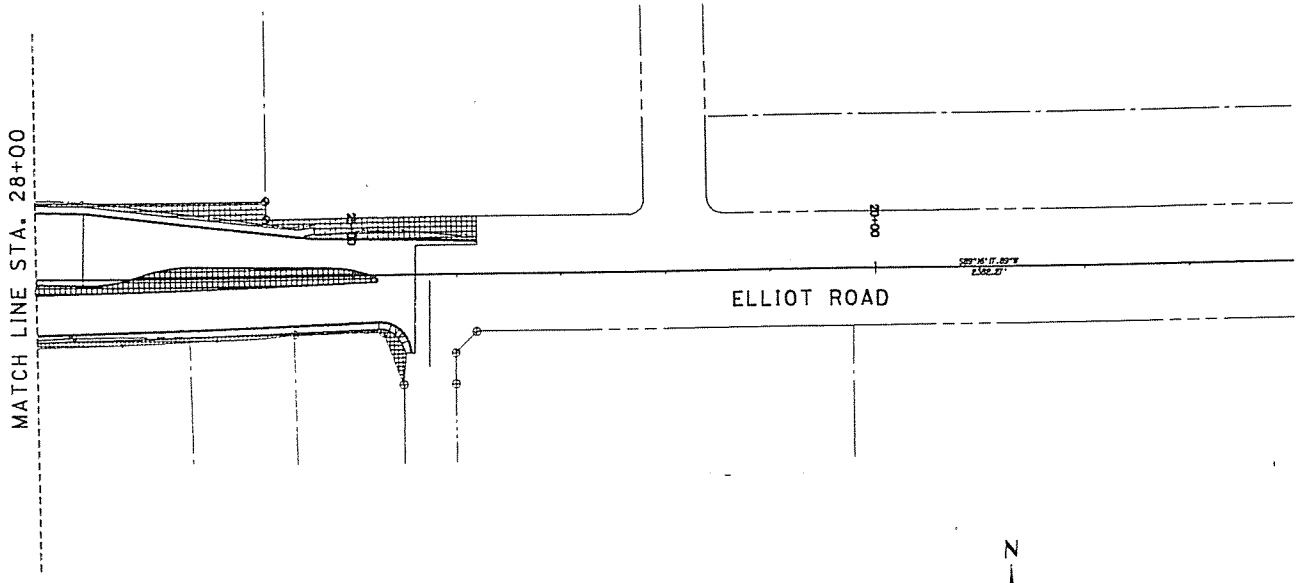
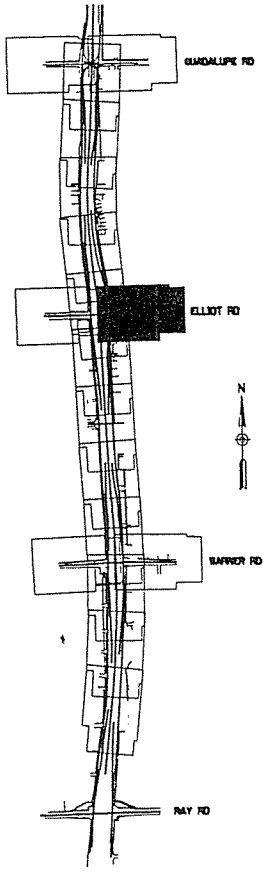
101L MA 056





	ADOT
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

SHEET OF

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

OF

24-APR-2000 11:38 s:\projects\r5396\iga09.dgn

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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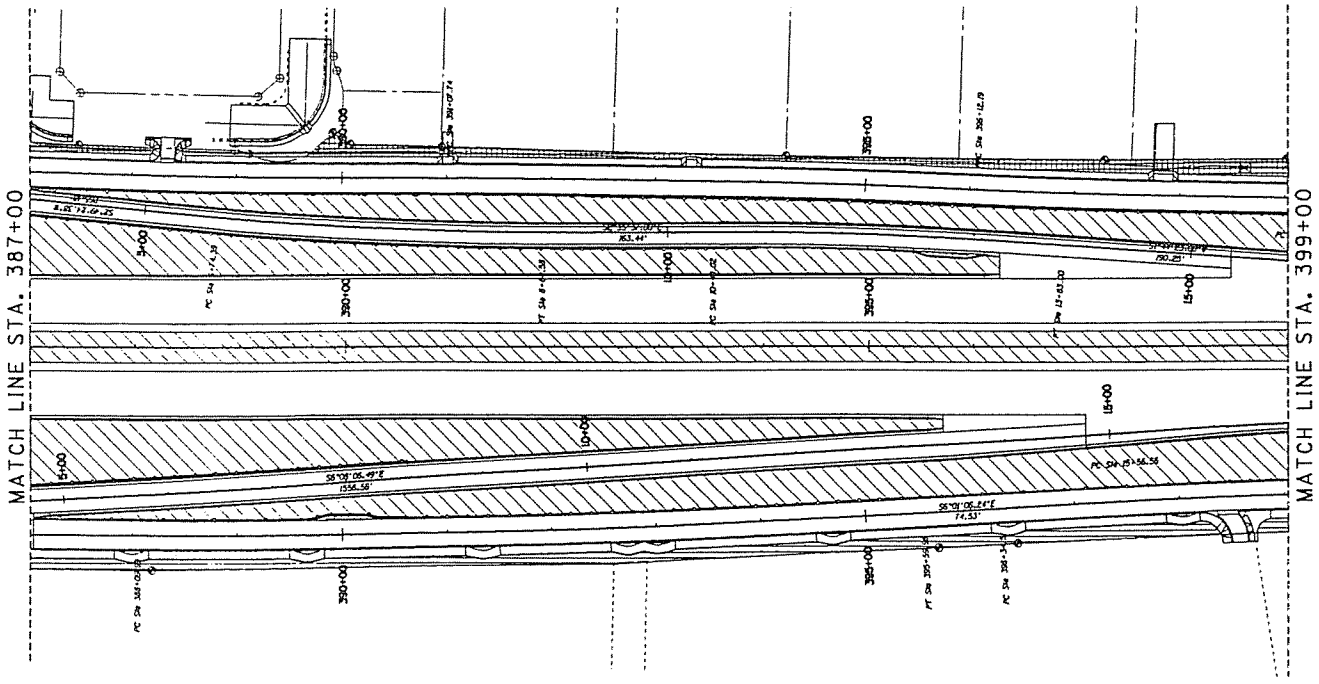
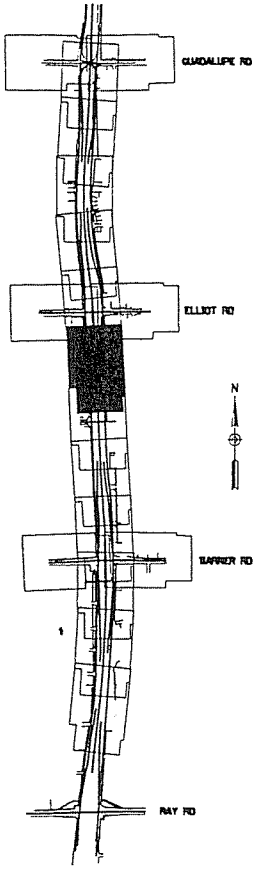
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

SHEET ___ OF ___

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

24-APR-2000 11:39 s:\projects\r5396\igal0.dgn

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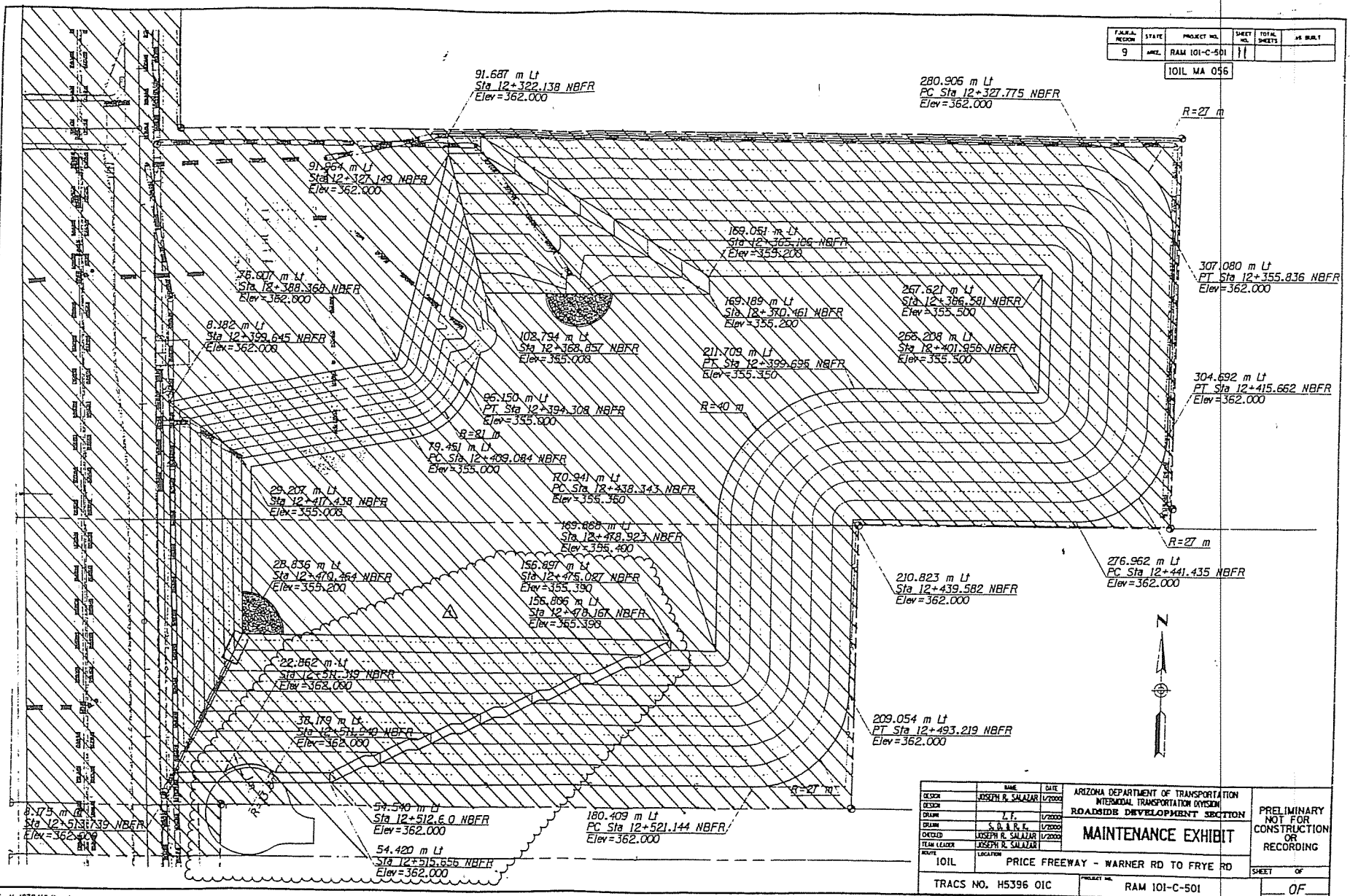
101L MA 056



	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	1/2000
DESIGN		
DRAWN	Z.T.	1/2000
DRAWN	S.D.R.R.	1/2000
CHECKED	JOSEPH R. SALAZAR	1/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

ROUTE: 101L
LOCATION: PRICE FREEWAY - WARNER RD TO FRYE RD

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

FILE: V:/970418/basingea.dgn
DATE: 8/12/97

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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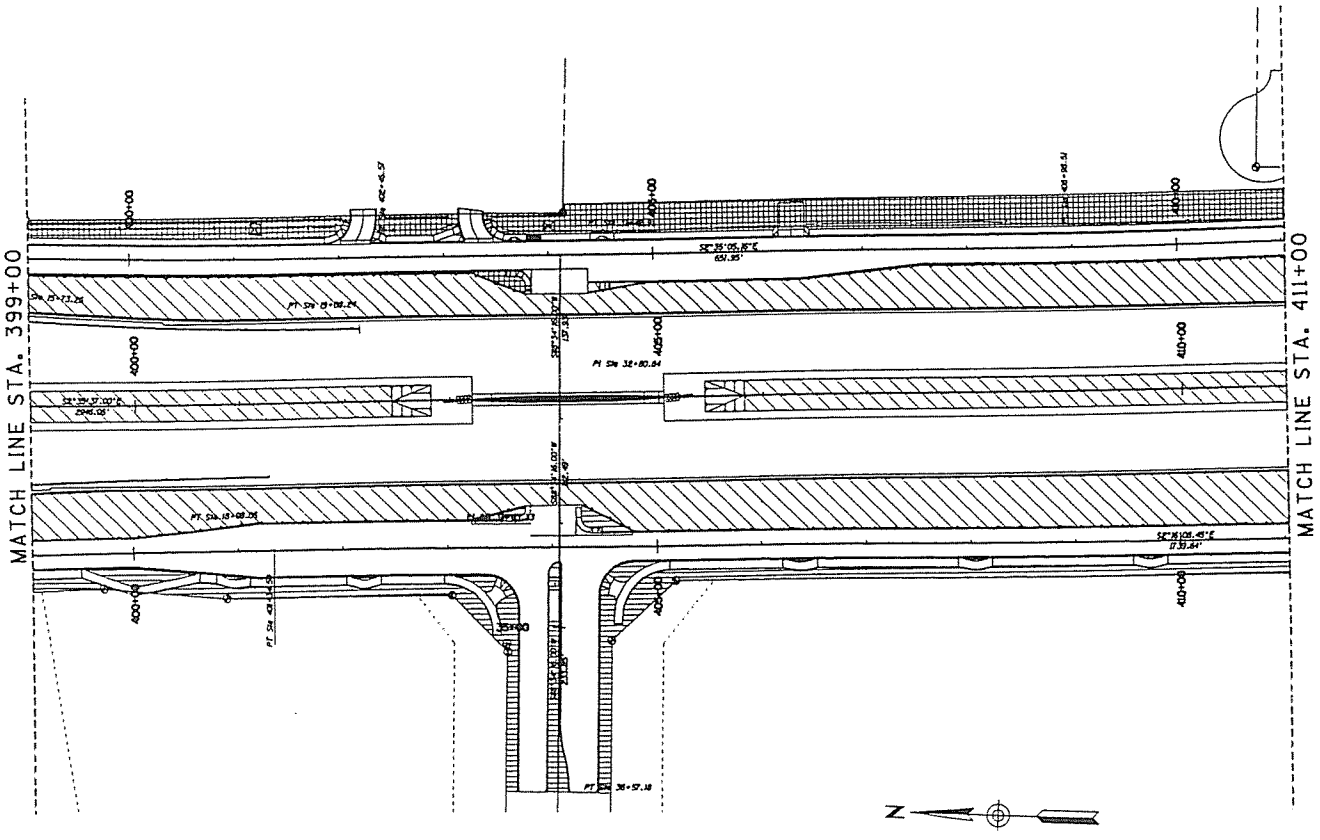
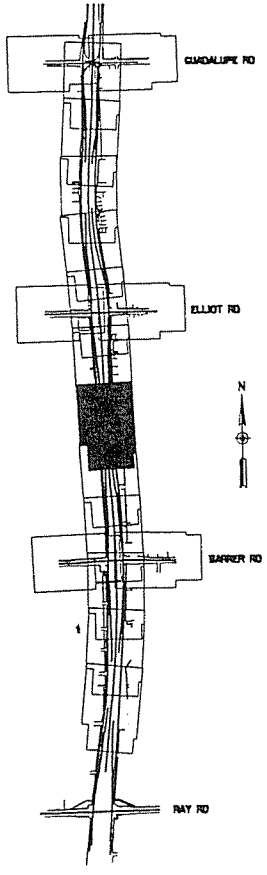
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. O. & R. E.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

24-APR-2000 11:41 si\projects\r5396\igall.dgn

FHWA REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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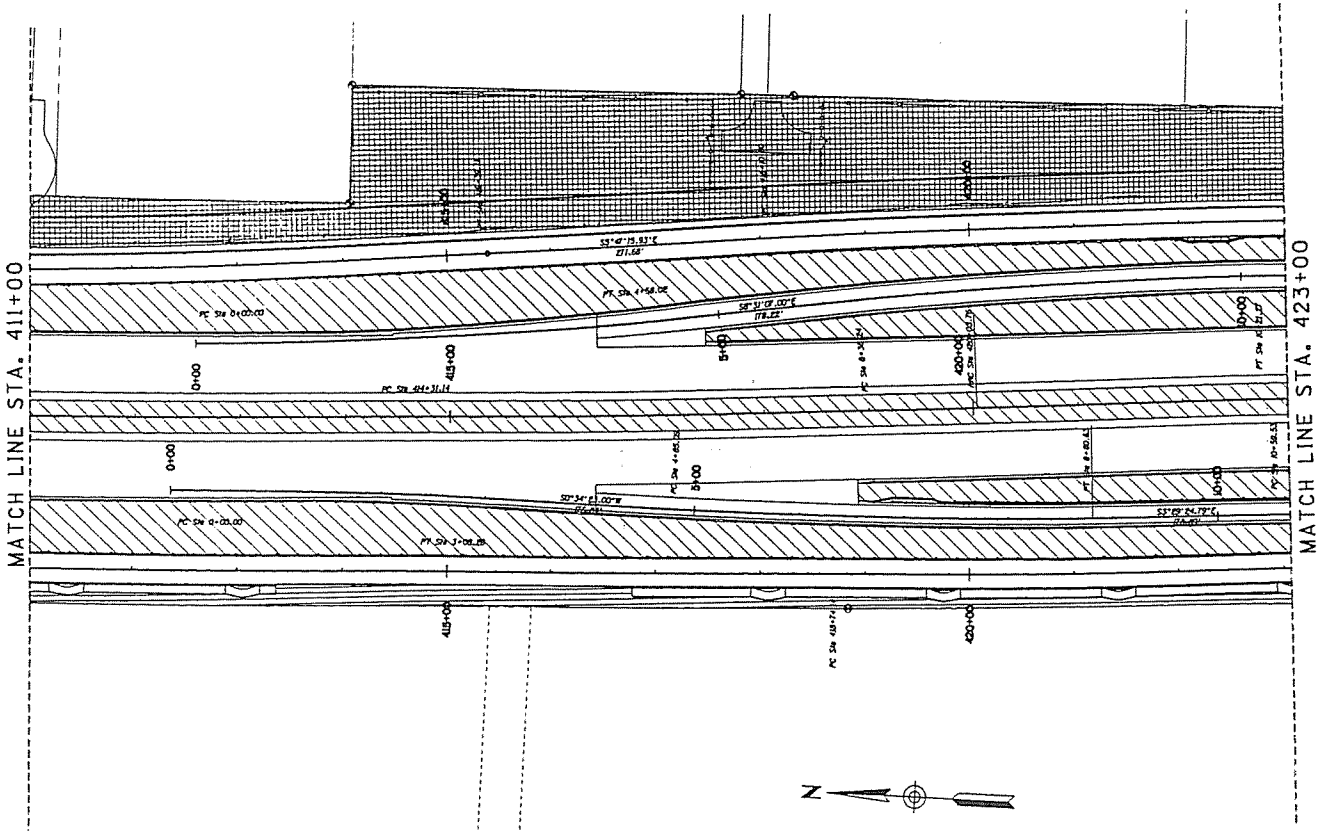
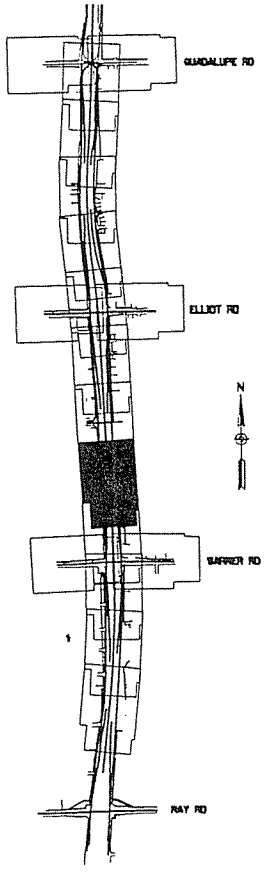
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	L. F.	4/2000
DRAWN	S. O. & R. R.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

ROUTE: 101L
LOCATION: PRICE FREEWAY - GUADALUPE RD TO WARNER RD

TRACS NO. H5396 01C
PROJECT NO. RAM 101-C-501
SHEET ___ OF ___

24-APR-2000 11:42 s:\projects\r5396\igal2.dgn

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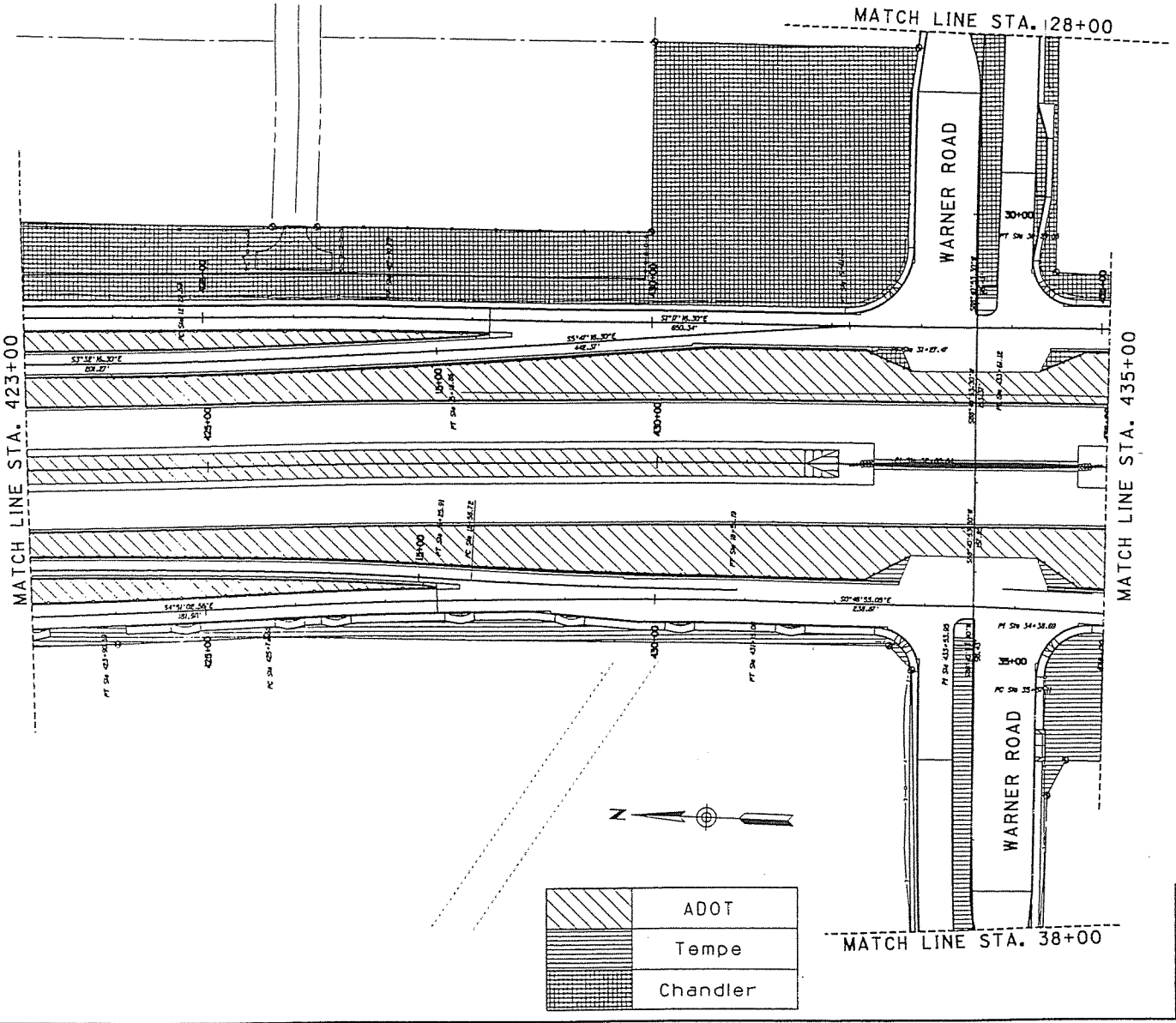
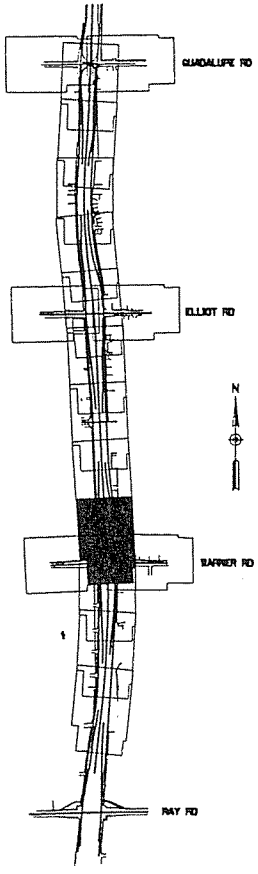
101L MA 056





	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	L. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE 101L	LOCATION PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

24-APR-2000 11:44 s:\projects\r5396\igal3.dgn

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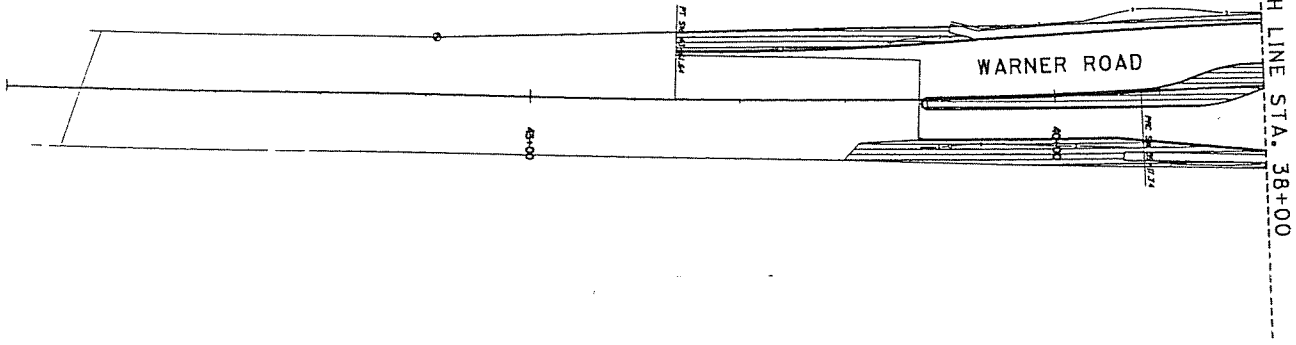
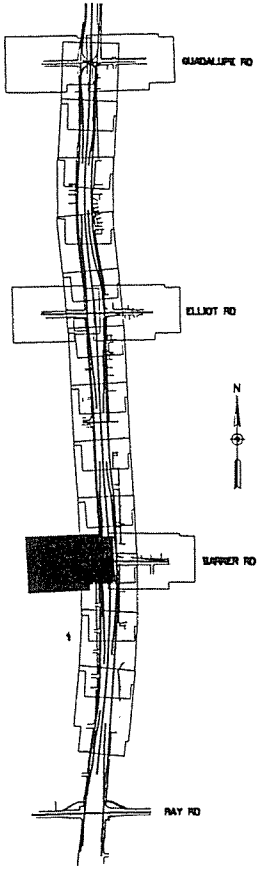
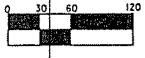
101L MA 056







	ADOT
	Tempe

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
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ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

ROUTE: 101L

LOCATION: PRICE FREEWAY - GUADALUPE RD TO WARNER RD

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

24-APR-2000 11:45 s:\projects\r5396\iga14.dgn

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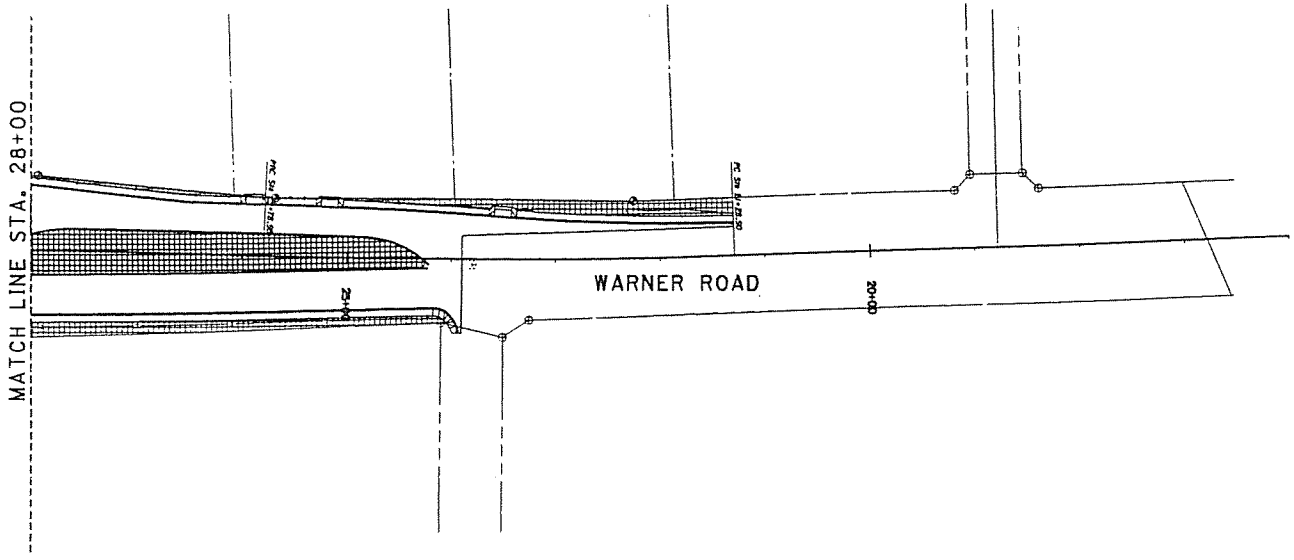
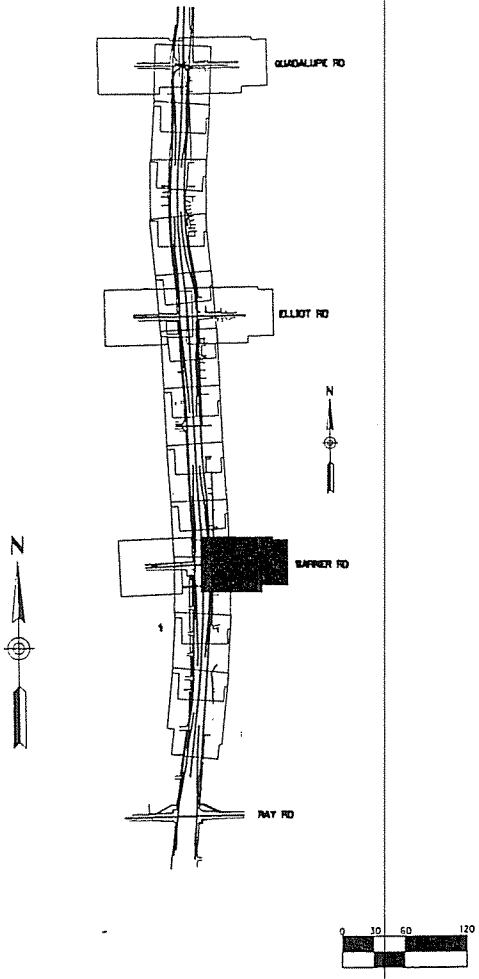
101L MA 056





Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	L. F.	4/2000
DRAWN	S. D. & R. R.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

ROUTE: 101L
LOCATION: PRICE FREEWAY - GUADALUPE RD TO WARNER RD

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

SHEET ___ OF ___

24-APR-2000 11:47 s:\projects\r5396\igal5.dgn

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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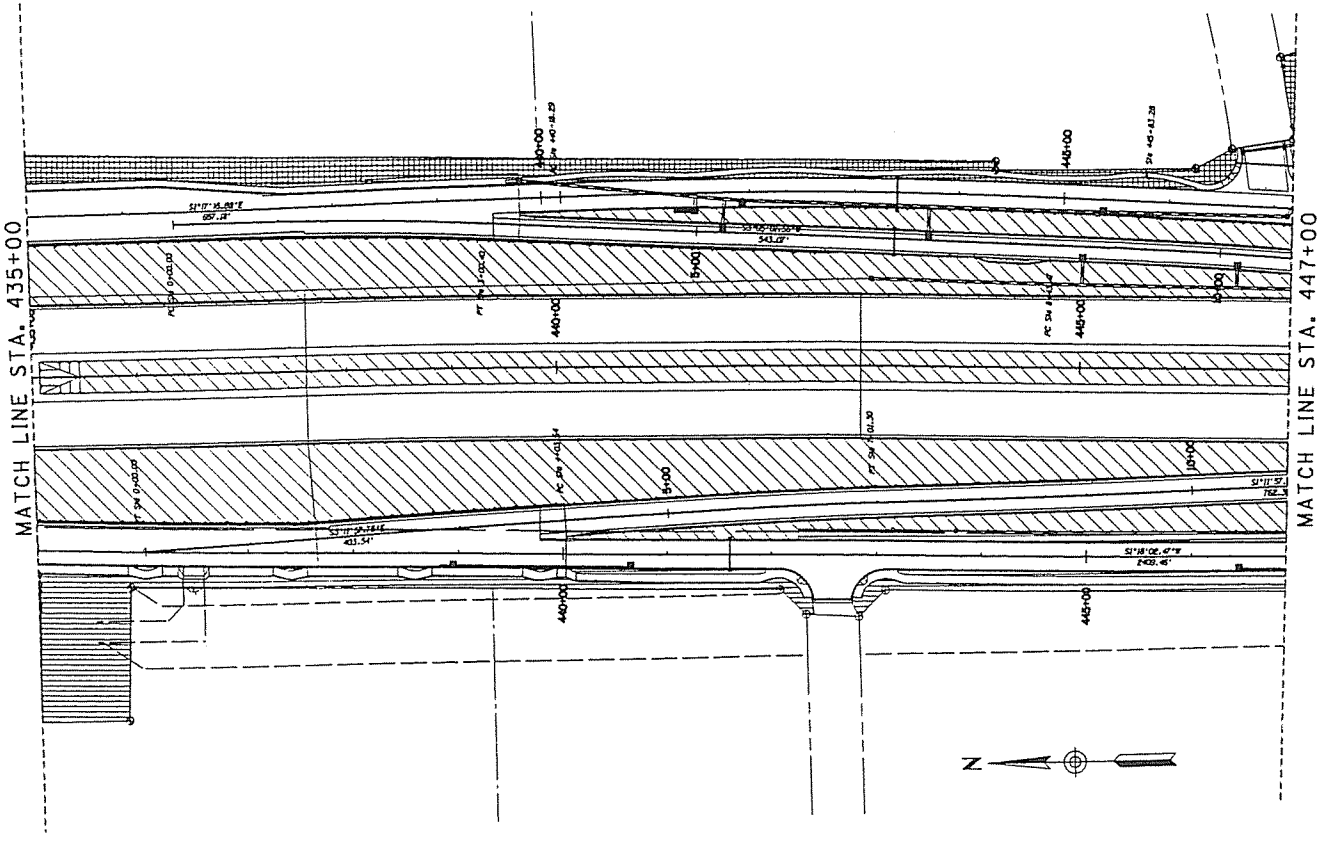
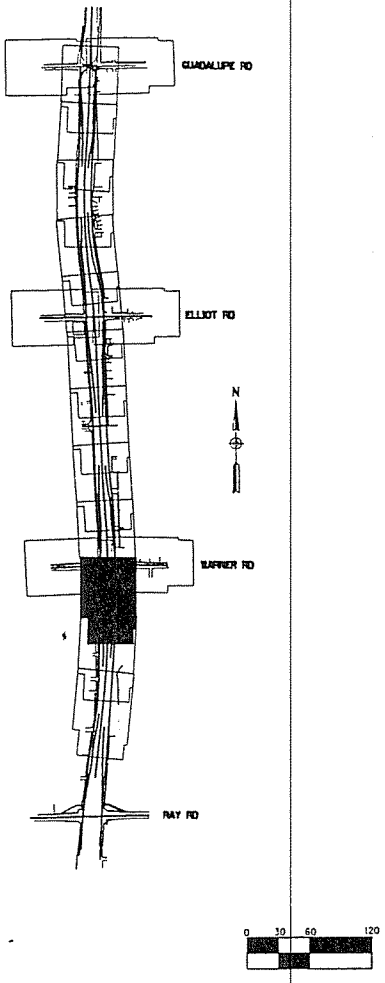
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
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MAINTENANCE EXHIBIT

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ROUTE: 101L
LOCATION: PRICE FREEWAY - GUADALUPE RD TO WARNER RD

TRACS NO. H5396 01C
PROJECT NO. RAM 101-C-501
SHEET ___ OF ___

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F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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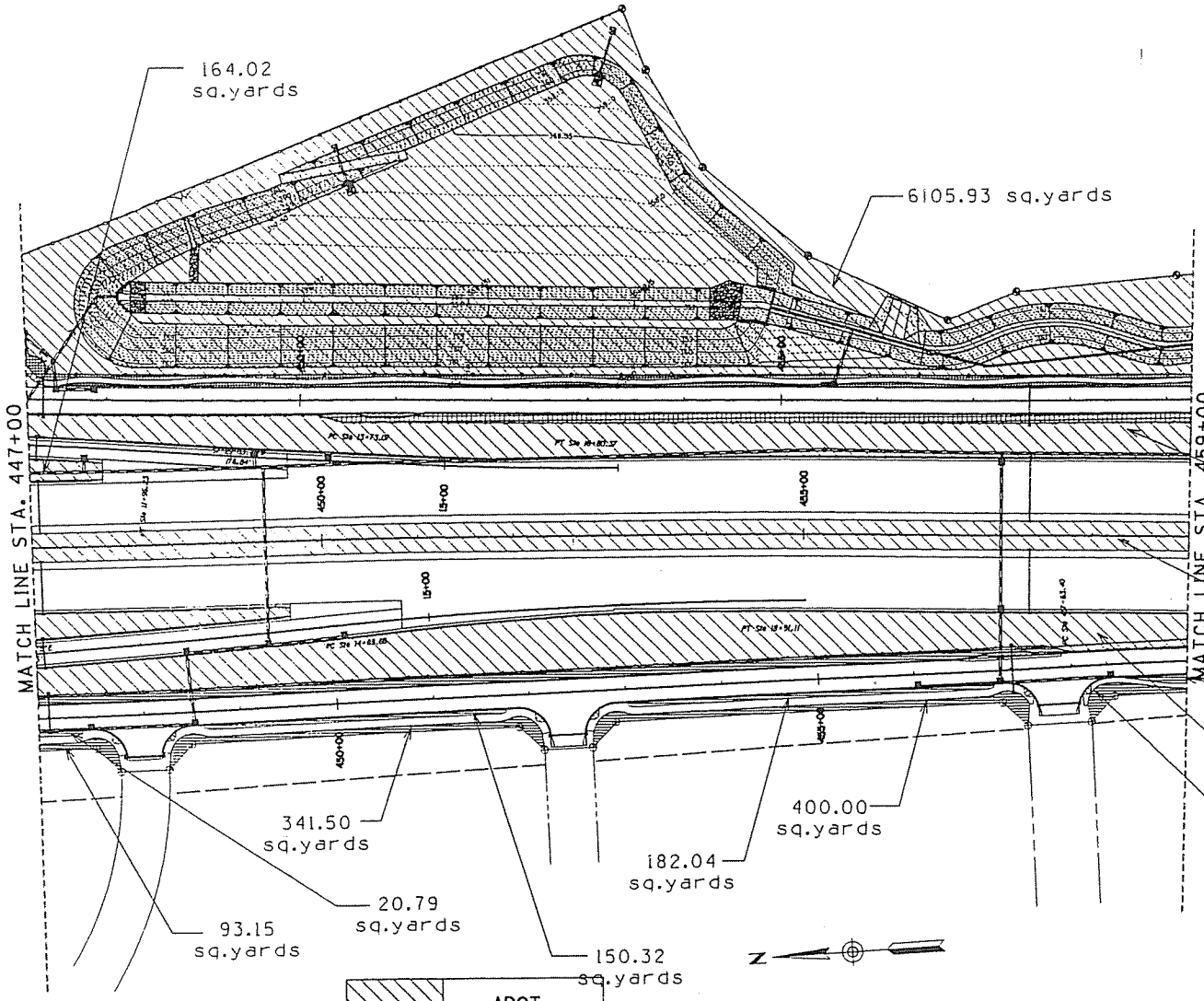
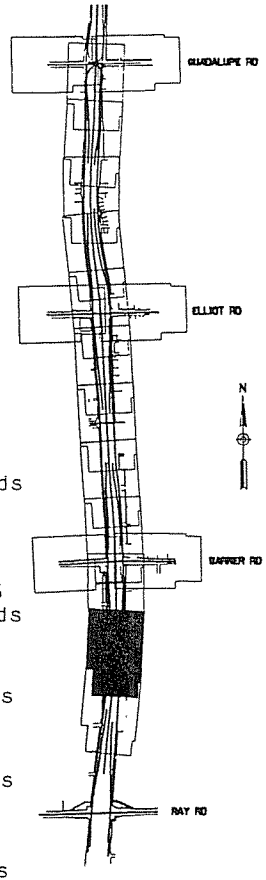
101L MA 056





	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	1/2000
DESIGN		
DRAWN	Z. F.	1/2000
DRAWN	S. D. & R. L.	1/2000
CHECKED	JOSEPH R. SALAZAR	1/2000
TEAM LEADER	JOSEPH R. SALAZAR	
ROUTE	LOCATION	
101L	PRICE FREEWAY - GUADALUPE RD TO WARNER RD	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING

SHEET OF

TRACS NO. H5396 01C

PROJECT NO. RAM 101-C-501

OF

24-APR-2000 11:50 s:\projects\r5396\igal7.dgn

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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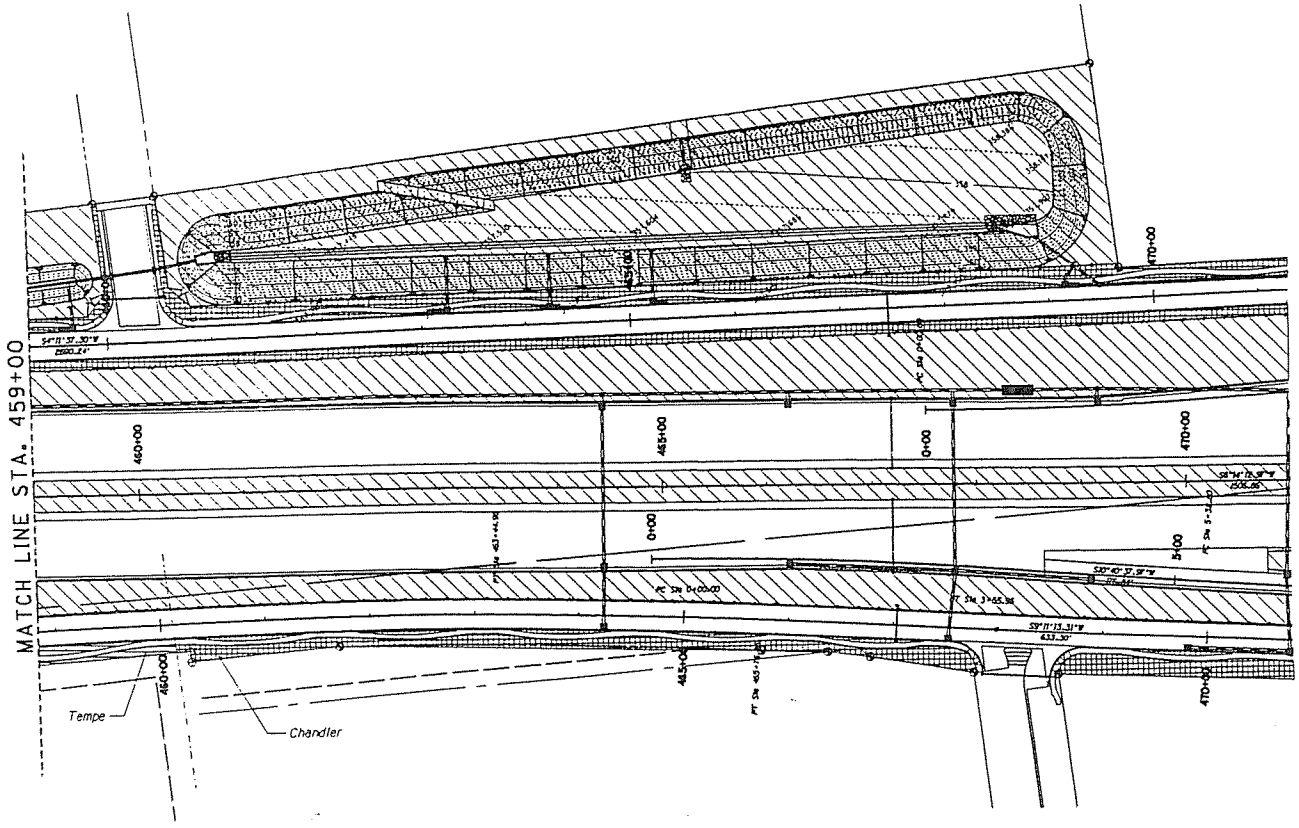
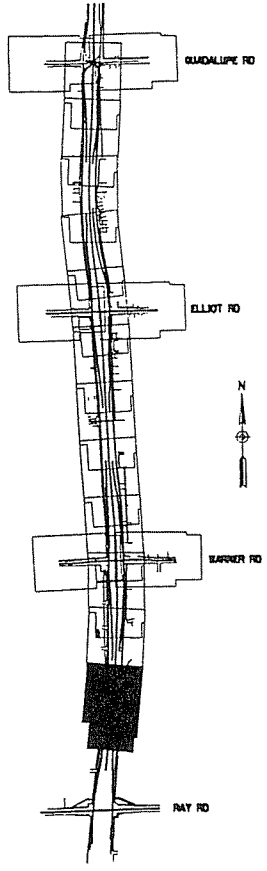
101L MA 056





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	ADOT
	Tempe
	Chandler

	NAME	DATE
DESIGN	JOSEPH R. SALAZAR	4/2000
DESIGN		
DRAWN	Z. F.	4/2000
DRAWN	S. D. & R. K.	4/2000
CHECKED	JOSEPH R. SALAZAR	4/2000
TEAM LEADER	JOSEPH R. SALAZAR	

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SECTION

MAINTENANCE EXHIBIT

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ROUTE: 101L
LOCATION: PRICE FREEWAY - GUADALUPE RD TO WARNER RD
SHEET ___ OF ___

TRACS NO. H5396 01C
PROJECT NO. RAM 101-C-501

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CERTIFICATION

I, Kathy Matz, City Clerk for the City of Tempe, Maricopa County, Arizona, do hereby certify the attached to be a draft copy of the minutes of the Regular City Council Meeting of February 6, 2003, of the City of Tempe, Arizona, to be approved on February 27, 2003.

Dated this 13th day of February, 2003.

Kathy L. Matz
City Clerk

DRAFT

Tempe

Minutes
City Council Regular Meeting
February 6, 2003

Minutes of the Regular Council Meeting of February 6, 2003, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:
Mayor Neil G. Giuliano
Vice Mayor Barbara J. Carter
Councilmember Leonard Copple
Councilmember Dennis Cahill
Councilmember Pamela L. Goronkin
Councilmember P. Ben Arredondo
Councilmember Mark Mitchell

Mayor Giuliano called the meeting to order at 7:30 p.m.

1. Councilmember Mitchell gave the invocation.

2. Mayor Giuliano led the audience in the **Pledge of Allegiance**.

3. **MINUTES/CLAIMS**

A. Approval of Council Meeting Minutes
Motion by Councilmember Cahill to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Goronkin. Motion passed unanimously on a voice vote.

1. Council Executive Session – January 16 & 23, 2003
2. Council Regular Meeting – January 16 & 23, 2003 20030206clrkck04.htm 20030206clrkck05.htm
3. Council Issue Review Session – January 9, 16 & 23, 2003 20030206clrkck01.htm 20030206clrkck02.htm 20030206clrkck03.htm

B. Acceptance of Committee & Board Meeting Minutes
Motion by Councilmember Cahill to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Goronkin. Motion passed unanimously on a voice vote.

4. Board of Adjustment – October 23 and November 25, 2002

20030206boa01.htm 20030206boa02.htm

5. Design Review Board – October 16, November 6 & 20, December 4 & 19, 2002 20030206drb01.htm 20030206drb02.htm 20030206drb03.htm 20030206drb04.htm 20030206drb05.htm
6. Hearing Officer – November 5, 19 (special & regular) & 22, December 3, 17 & 23, 2002 20030206ho01.htm 20030206ho02.htm 20030206ho03.htm 20030206ho04.htm 20030206ho05.htm 20030206ho06.htm 20030206ho07.htm
7. Human Relations Commission – December 10, 2002 20030206hrc01.pdf
8. Mayor's Committee on Prevention and Community Resources – December 16, 2002 20030206mcpcr01.htm
9. Mayor's Youth Advisory Commission – January 7 & 15, 2003 20030206myac01.htm 20030206myac02.htm
10. Merit System Board – November 4, 2002 20030206msb01.htm
11. Planning & Zoning Commission – October 22, November 12 & 26, December 10, 2002 and January 14, 2003 20030206pz01.htm 20030206pz02.htm 20030206pz03.htm 20030206pz04.htm 20030206pz05.htm
12. Special Events Task Force – November 12 & 26; December 10 & 17, 2002; January 7 & 21, 2003 20030206setf01.htm 20030206setf02.htm 20030206setf03.htm 20030206setf04.htm 20030206setf05.htm 20030206setf06.htm
13. Tempe Double Butte Cemetery Advisory Committee – November 20, 2002 20030206tdbc01.htm
14. Tempe Sports Authority – December 17, 2002 20030206tsa01.htm

C. Report of Claims Paid to be Filed for Audit

Motion made by Councilmember Cahill to file for audit the Accounts Payable **CLAIMS** for the weeks ending January 11, 18 & 25, 2003. Second by Councilmember Goronkin. Motion passed on a roll call vote, 7-0.

15. Report of Claims Paid for the weeks ending January 11, 18 & 25, 2003 20030206acctkh001.htm 20030206acctkh002.htm 20030206acctkh003.htm

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements – Mayor Giuliano noted that the new electronic voting system is up and running beginning tonight in Council Chambers. The public will now be able to see a roll call record of how each Councilmember voted on each agenda item.

B. Manager's Announcements - None

5. CONSENT AGENDA

All items in these minutes identified with an asterisk (*) **are public hearing items**. The consent agenda is approved with one council action. Items scheduled for a first hearing will be heard but not adopted at this meeting. Items removed from the consent agenda for a separate vote are noted in the minutes.

Mayor Giuliano announced consideration of the **CONSENT AGENDA**.

Motion by Vice Mayor Carter to approve the Consent Agenda as amended (Items 24, 30 and 32 were removed for separate consideration). Second by Councilmember Cahill. Motion passed on a roll call vote, 7-0.

16. Approved a motion to set Executive Session for the City Council meeting of February 13, 2003, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street. Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

17. Authorized the Mayor to enter into a Modification of Memorandum of Understanding Among Tempe/Chandler/Developers, **Contract #96-74A**, dated April 3, 1996.
DOCUMENT NAME: 20030206casg01.htm **ARIZONA MILLS MALL (0407-01)**

18. Approved **Contract #2003-24**, a request to utilize State of Arizona cooperative contract A7-0098-043 with SA&B Environmental and Chemical Consultants (SA&B) for providing the assessment and remediation of pollutants. This is a one - (1) year contract in which total cost shall not exceed $50,000.
DOCUMENT NAME: 20030206fsts01.htm **PURCHASES (1004-01)**

19. Approved an Amended Final Subdivision Plat by Fountainhead Corporate Park consisting of nine (9) lots at 1535 West Broadway Road.
COMMENTS: #SBD-2003.08 for nine (9) lots on 94.5 net acres (CC030003) (Amberjack, Ltd., property owner)
DOCUMENT NAME: 20030206dsrh01.pdf **PLANNED DEVELOPMENT (0406)**

*20. Held a public hearing and approved an Original Series 12 Restaurant Liquor License application for Ra Tempe Corporation, dba Ra Sushi Bar Restaurant, Richard Howland II, Agent (69470), 411 S. Mill Avenue.
DOCUMENT NAME: 20030206LIQ1.htm **LIQ LIC (0210-02)**

*21. Held a public hearing and approved an Original Series 12 Restaurant Liquor License application for Ronalt Garcia LLC, dba Boeatos Wrap Company, Ronalt Garcia, Agent (69568), 6430 S. McClintock Drive.
DOCUMENT NAME: 20030206LIQ2.htm **LIQ LIC (0210-02)**

*22. Held a public hearing and approved an Original Series 4 In-State Wholesaler's Liquor License application for Azione, LLC dba Azione, Adam Hawkins, Agent (69683), 1310 E. Apache Boulevard, #104.
DOCUMENT NAME: 20030206LIQ3.htm **LIQ LIC (0210-02)**

*23. Held a public hearing and **approved with conditions** a Sidewalk Café Permit for Ra On Mill LLC, dba Ra Sushi Bar Restaurant, Richard Bruce Howland, Applicant (69470), 411 S. Mill Ave.

The following conditions were approved:

1. Table height against outside railing must be no higher than 30 inches; tables abutting the establishment are allowed to be up to 42 inches in height; chairs are required
2. No speakers shall be allowed into the extended service area
3. No cans or glass bottles are allowed into the extended service area at any time, including special events (which is defined as a City permitted event approved by the Special Events Committee) occurring adjacent to the service area
4. Stemware/glassware are only prohibited during special events.
5. Railings/gates for the extended service area shall be a minimum of 42 inches and designed with an angular or circular feature on the top of the railing
6. Signage at all patio exits shall read "no alcohol allowed beyond this point"
7. This Sidewalk Café license is only applicable for a Series #12 Restaurant Liquor License and only with the approval of an extension of premises permit
8. Establishment must comply with all State and City laws

The layout and design was approved with the following conditions:

1. Obtain a parking variance based on expansion of use, if required, prior to Outdoor Patio Vending Permit becoming effective. (Contact Neil Calfee (480) 350-2912 for information.
2. Outdoor patio shall not encroach into required six (6) foot clear sidewalk pedestrian thoroughfare.
3. Obtain Design Review approval and required sign permit for any exterior menu board signage.
4. A minimum three (3) foot wide clear pedestrian path is required from the gate entrance to the building entrance.
5. Patio gate clearances & requirements shall comply with ADA Chapter 4.13. Latch-side clearance of the patio gate requires the width of the door/gate plus 12". Pull-side clearance requires width of door/gate plus 18".
6. Patio gates shall provide a minimum clear opening width of 32" with the gate(s) open 90 degrees.
7. Gates shall swing in the direction of exit travel.
8. Gates shall have no latching/lock device unless it is panic hardware.
9. All new patio fence and gates shall be painted to match existing fence/gate colors on property. If there are none, Design Review staff shall approve color prior to installation.

DOCUMENT NAME: 20030206STAX01.htm **LIQ LIC (0210-02)**

*24. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Held a public hearing and **continued** an After-hours Application for The Graduate Restaurants, Inc., dba Club Rio Salado, William S. Everett, Agent (17444), 430 N. Scottsdale Road.

Councilmember Copple asked what hours will be included in "after hours", what ages would be admitted during what periods of time, and whether there would be any violation of curfew hours. Another after-hours application is in the process on Mill Avenue and he wondered if there was any difference between that one and this one on Scottsdale Road.

STAFF PRESENTATION:
Specialty License Coordinator Kay Savard responded that the applicant was not present tonight and she did not have the information. She will gather the requested information and get it to Council.

APPLICANT PRESENTATION:
None.

PUBLIC HEARING:
No one came forward to speak.

Motion by Councilmember Copple to continue Item #24 until additional information regarding the application is received. Second by Councilmember Arredondo. Motion passed on roll call vote, 7-0.

Mayor Giuliano asked Acting City Attorney Marlene Pontrelli whether Item #32, the related use permit for Club Rio, would also need to be continued because the Council just voted to continue Item #24, Club Rio's after-hours application.

Ms. Pontrelli responded that these are two separate issues and that Council could proceed tonight with consideration of Item #32.

DOCUMENT NAME: 20030206STAX02.htm **AFTER HOURS (0405)**

B. Award of Bids

25. Awarded **Contract #2003-25**, a one-year contract with two 12-month renewal options to Valleywide Printing Services, Inc., for the printing of the Tempe Today monthly newsletter. Total cost for the initial one year contract term shall not exceed $32,000.00.

DOCUMENT NAME: 20030206fslg02.htm **PURCHASES (1004-01)** Bid #03-060

C. Ordinances and Items for Introduction

26. Set public hearings for **February 13 and February 27, 2003** for the City of Tempe Comprehensive Transportation Plan.
COMMENTS: **#SGP-2002.04**. RESOLUTION No. 2002.60 The overall goal of the City of Tempe Comprehensive Transportation Plan is to integrate the city's transportation system with land use policy to ensure that a safe, efficient, and balanced transportation system is developed to serve Tempe now and in the future. The plan includes objectives and implementation strategies in line with the vision of Tempe as a vibrant city that provides mobility for all, promotes clean air, conserves energy, preserves neighborhood livability, and enhances the quality of life for our citizens and guests. (CC020090)
DOCUMENT NAME: 20030206dsrh02.htm **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

*27. Held the **first** public hearing to abandon a waterline easement for a new residential site to be known as Hayden Cove II, slated for development along the north side of Don Carlos Avenue, between McClintock Drive and Smith Road.
DOCUMENT NAME: 20030206PWTG02.htm **ABANDONMENT OF WATERLINE EASEMENT (0904-02)** ORDINANCE NO. 2003.05

*28. Held the **first** public hearing to abandon a side-lot public utility easement at 2000 West First Street.
DOCUMENT NAME: 20030206PWTG01.htm **ABANDONMENT OF PUBLIC UTILITY EASEMENT (0904-02)** ORDINANCE NO. 2002.53

*29. Held the **first** public hearing for Crossroads Office Project for an Amended Final Subdivision Plat to modify condition #14 of a previous City Council approval in 1986, located at 1716 East McNair.
COMMENTS: (Olga Trust, Dr. Lydia Garrett, Mgr., Property Owner) **#SBD-2003.09** relating to a 25' private common driveway approved by City Council on May 22, 1986, #SBD-86.29, a subdivision consisting of 18 lots.

Previous Condition of Approval, #14:
A 25' private common driveway shall be provided between Lots 12 and 13, Lots 14 and 15, and Lots 16 and 17. Driveways shall be reflected as easements on the Final Plat prior to City Council action. Driveways shall be limited to these locations
DOCUMENT NAME: 20030206dsrh03.pdf **PLANNED DEVELOPMENT (0406)**

q-j *30. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***
Held the **first** public hearing for The Vale for a zoning change from R-3 and C-1 to MG, an amended Final Plat, and a Preliminary and Final PAD with variances at 1149 West University Drive.

STAFF PRESENTATION:
None.

APPLICANT PRESENTATION:
Steven Anderson, 2 N. Central, Phoenix, appeared on behalf of the Applicant. He has attempted to reach all of the neighbors, and he would be happy to meet with anyone with questions tonight. This project has been subjected to three public hearings to date and staff recommends its approval.

PUBLIC HEARING:
Mark Merrell, 1055 W. University Drive, Tempe. Operates a business at that address. He asked for clarification regarding the request to put 46 residential condominiums just west of his business. He thought that was a small lot on which to squeeze that many units. He would like to look at the plans.

Mayor Giuliano asked staff to meet with Mr. Merrell and provide the requested information.

**First public hearing only, no Council action taken.*

COMMENTS: (Beck Development, LLC, property owner) ORDINANCE 808.2002.07 **#ZON-2002.07** for a zoning change from R-3, Multi-Family Residential Limited and C-1, Neighborhood Commercial to MG, Multi-Use General District on 1.80 gross acres. **#SBD-2002.93** an amended Final Plat to combine 9 lots into one lot on 1.55 net acres. **#SPD-2002.92** for a Preliminary and Final PAD for 46 residential and 4 commercial condominiums totaling 61,750 s.f. (57,000 s.f. for residential, 4,100 s.f. for commercial, and 650 s.f. for a club house), 17,850 s.f. for a below grade parking garage, and a 5,825 s.f on-grade parking garage, all on 1.55 net acres, located at 1149 West University Drive, including the following:

Requested Variances:

1. Reduce the minimum required street side yard building setback from 25 feet to 0 feet along the north property line.
2. Reduce the minimum required front yard building setback from 25 feet to 7 feet, along the west property line.
3. Reduce the minimum required lot depth from 150 feet to 94 feet.
4. Waive the minimum required 6 feet landscape buffer strip along the south property

line and the minimum 15 feet of landscaping along the street and front yard building setbacks.

5. Reduce the minimum required parking spaces from 105 to 93.
6. Waive the required parking spaces for recreational vehicles.
7. Waive the requirement of a landscape parking island at the south east surface parking lot.
8. Allow the use of custom architectural metal skin on exterior metal walls.
9. Reduce the minimum required courtyard separation from 50 feet to 14 feet.

DOCUMENT NAME: 20030206dsrh04.pdf **PLANNED DEVELOPMENT (0406)**

*31. Held the **first** public hearing for the City of Tempe to amend Zoning Ordinance 808, Part 4 Off-Street Parking.

COMMENTS: This amendment will facilitate the process of in-fill for sale residential developments requesting automobile access from alleys to garages or carports.

(City of Tempe, applicant) ORDINANCE 808.2003.02 **#ZOA-2003.02** to amend Zoning Ordinance 808, Part 4 Off-Street Parking: Chapter 2, Section 4-203, Zoning Districts other than Single Family, Item #5.

DOCUMENT NAME: 20030206dsrh05.htm **PLANNED DEVELOPMENT (0406)**

E. Ordinances and Items for Second Hearing/Final Adoption

q-j *32. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION***

Held the **second** public hearing for Club Rio Salado for a time extension of an existing use permit for a restaurant/bar with live entertainment at 430 North Scottsdale Road.

STAFF PRESENTATION:
None.

APPLICANT PRESENTATION:
None.

PUBLIC HEARING:
No one came forward to speak.

Motion by Vice Mayor Carter for approval of Item #32. Second by Councilmember Arredondo. Motion passed on a roll call vote, 7-0.

COMMENTS: The Graduate Restaurants, Inc., property owner, William S. Everett **#SIP-2003.03** for a time extension of an existing use permit consisting of 17.391 s.f. on 8.93 net acres, including the following:

Previous Council Condition (09/12/91- #SIP-91.19)

#10. The use permit shall be valid for a period of two (2) years from time of approval, at which time the applicant shall return to City Council for renewal.

DOCUMENT NAME: 20030206dsrh06.pdf **PLANNED DEVELOPMENT (0406)**

F. Resolutions

33. Approved **Contract #2003-26**, an Intergovernmental Agreement with the State of Arizona Department of Transportation for landscaping and irrigation improvements along State Route 101L.
DOCUMENT NAME: 20030206PWDR03.pdf **LANDSCAPING (STREETS) 0908-06** RESOLUTION 2003.03

6. **NON-CONSENT AGENDA** – There were no items on the Non-Consent Agenda.

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**
- Councilmember Cahill stated noon on Saturday, February 8, at Arizona Mills Mall is the kick-off for the Earned Income Tax Credit Program. Approximately $45M in Tempe and Guadalupe has not been claimed over the past few years. At this point, $10M has been claimed, but that still leaves approximately $35M unclaimed. Staff has done a great job organizing this program.

8. **PUBLIC APPEARANCES** – No one came forward to speak.

Meeting adjourned at 7:50 p.m.

_____
Mayor

ATTEST:

_____
City Clerk

I, Kathy L. Matz, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Regular Council meeting of February 6, 2003, by the Tempe City Council, Tempe, Arizona.

Dated this_____ day of _____, 2003

_____

Kathy L. Matz
City Clerk

RESOLUTION NO. 2003.03

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION

WHEREAS, it is to the mutual BENIFIT of the State of Arizona, Department of Transportation and the City of Tempe to enter into an agreement specifying their respective construction and maintenance responsibilities concerning certain landscaping and irrigation improvements along State Route 101L from Guadalupe Road to Warner Road, and

WHEREAS, the Arizona Department of Transportation has prepared an agreement setting forth the responsibilities for construction and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

That the Mayor of the City of Tempe is hereby authorized to execute an agreement with the State of Arizona, Department of Transportation setting forth the provisions and responsibilities for the construction and maintenance of certain landscaping and irrigation improvements along State Route 101L from Guadalupe Road to Warner Road.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

this 6th day of February, 2003.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

JPA 00-065

APPROVAL OF THE CITY OF TEMPE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and CITY OF TEMPE declare this agreement to in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 4th day of March, 2003.

Marla A. Pohlle

Attorney

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-0772TRN (JPA 00-66), 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 March 6, 2003.

TERRY GODDARD
Attorney General

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/ss

att.

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