AG Contract No.: KR00-1379TRN
ADOT ECS File No. JPA 00-76
Project: RAM 600-0-529
TRACS: H 4577 03C
Section: SR 101L, Agua Fria Freeway,
(I-10 – McDowell Road Project
Interstate 10 (I-10), (99th to 83rd Avenues)

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

THIS AGREEMENT supercedes Agreement JPA 85-14, A.G. Contract No. 85-564, executed 30 October, 1985 and filed with the Secretary of State File No. 10737.

THIS AGREEMENT is entered into 21 March, 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 TOLLESON, 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 Interstate 10 (I-10), herein referred to as the "Project", at the following location:

From I-10 centerline roadway station 7050+62 at 99th Avenue to centerline roadway station 7155+47 at 83rd Avenue., a total net distance of approximately 1.99 miles.

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

NO 24513
Filed with the Secretary of State
Date Filed: 03/21/01
Betsey Bayless
Secretary of State
By Vicky V. Graenewold

II. SCOPE OF WORK

1. The State will prepare to State standards design plans for the landscaping and irrigation construction 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. The State will use color coded irrigation pipe to indicate the presence of reclaimed water, as required by law.

3. The City will provide potable or reclaimed water mains up to or within the State's right of way at the City's expense. Reclaimed water shall be Class A, or better, as defined by Arizona Administrative Code (18 A.A.C. 11, Article 3) proposed May 5, 2000.

4. The City shall furnish and install necessary water meters at the designated locations within the right of way, at the State's expense. The City will authorize and pay or waive any water development fees.

5. The City shall furnish all potable or reclaimed water during the construction phase and all water thereafter, necessary to properly maintain the landscape at the pressure provided to the citizens of Tolleson, at City's expense. Should the water pressure fall below 55 pounds per square inch (psi), the City shall notify the State within 48 hours.

6. All planned work by the City within the State's Control of Access shall be requested through the State's Phoenix Maintenance District Permits Office for each instance.

7. Should the City elect to deliver treated reclaimed water instead of potable water, the City shall furnish and maintain any additional equipment and electrical power required by the State, and any equipment deemed necessary by the State to effectively interface with the State's existing irrigation system, all at the City's expense.

8. After construction, the State will maintain landscaping, the irrigation system, and pay for irrigation system electric generally within the right of way, as designated in the attached Maintenance Exhibit, including all testing, adjusting, repairing and operation of the irrigation system.

9. At the conclusion of the contractor maintenance and warranty period, referred to in the contract as Landscaping Establishment, the City hereby agrees to maintain the existing landscape, and the additional landscape, decomposed granite, and median pavers installed, only on 91st Avenue, as designated in the attached Maintenance Exhibit. Maintenance shall consist of the care of all landscaping (in accordance with accepted horticultural practices), and the care of all decomposed granite, and median pavers, keeping all areas free of weeds, undesirable grasses and litter, as designated in the attached Maintenance Exhibit.

10. The City will notify and confirm with the State, (by phone, fax or letter) all minor repairs required, due to water leaks. The State shall respond to the City within 48 hours.

11. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic. All traffic control shall meet the requirements of the Arizona Department of Transportation's "Uniform Traffic Control Manual."

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 either party at any time upon sixty (60) days written notice to the other party. 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 Tolleson
City Manager
9555 W. Van Buren
Tolleson, AZ. 85353

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 TOLLESON,

By _____
ADOLFO F. GAMEZ
Mayor

STATE OF ARIZONA
Department of Transportation

By _____
CATHERINE J. HEGEL
Contract Administrator

ATTEST

By _____
ROSEMARIE M. BOOTH
City Clerk

00-076.doc
07Feb2001

JPA 00-76

RESOLUTION

BE IT RESOLVED on this 2nd day of May 2000, 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 TOLLESON for the purpose of defining responsibilities for landscaping certain areas within the right of way on Interstate 10 (I-10), from 99th Avenue to 83rd Avenue.

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

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

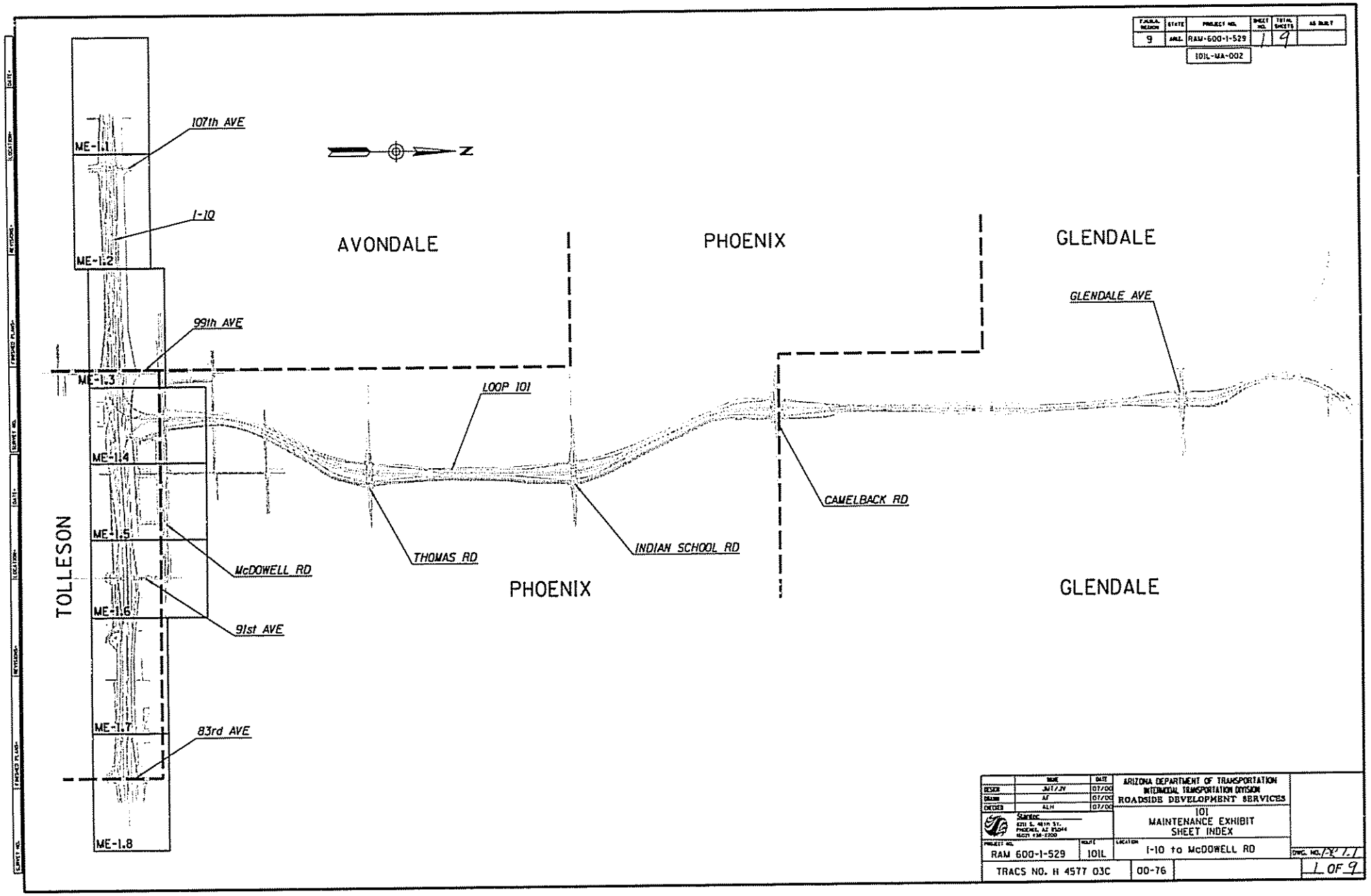
for MARY E. PETERS, Director

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
MAINTENANCE EXHIBIT

STATE HIGHWAY
AGUA FRIA FREEWAY (SR-101L)
RAM-600-0-529
101L MA 002
TRACS NO. H 4577 03C

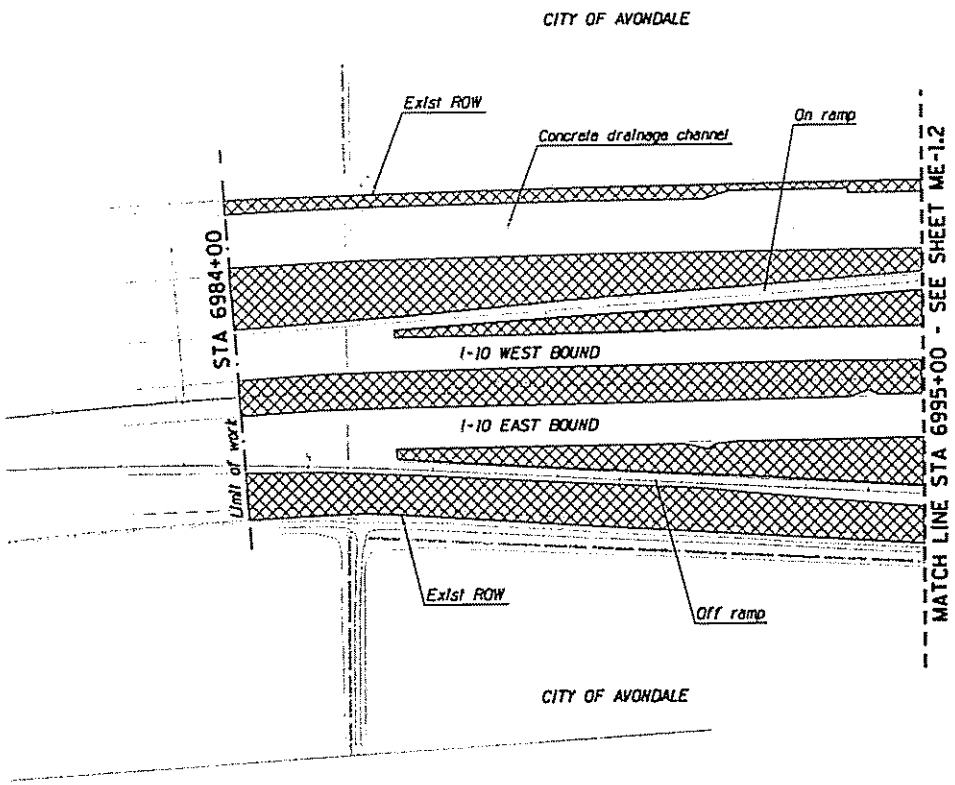
LANDSCAPE MAINTENANCE EXHIBIT

I-10 to McDOWELL RD
JPA #00-76



9
ARIZ.
RAM-600-1-529
1
9
101L-MA-002
107th AVE
I-10
99th AVE
ME-1.1
ME-1.2
ME-1.3
ME-1.4
ME-1.5
ME-1.6
ME-1.7
ME-1.8
TOLLESON
N
AVONDALE
PHOENIX
GLENDALE
GLENDALE AVE
LOOP 101
CAMELBACK RD
THOMAS RD
INDIAN SCHOOL RD
McDOWELL RD
91st AVE
83rd AVE
PHOENIX
GLENDALE
ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES
101
MAINTENANCE EXHIBIT
SHEET INDEX
RAM 600-1-529
101L
I-10 to McDOWELL RD
TRACS NO. H 4577 03C
00-76
1 OF 9

F.A.H.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	RAM-600-1-529	2	9	
		101L-MA-002			



LEGEND

- ADOT TO MAINTAIN (TYPICAL)
- CITY OF AVONDALE TO MAINTAIN
- CITY OF TOLLESON TO MAINTAIN
- CITY OF PHOENIX TO MAINTAIN

SYMBOL LEGEND

- ROW
- CHAINLINK FENCE

	NAME	DATE
DESIGN	JMT/JY	07/00
DRAWN	AF	07/00
CHECKED	ALH	07/00

Stantec
8211 S. 48th St.
PHOENIX, AZ 85044
(602) 438-2300

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES

101
MAINTENANCE EXHIBIT
STA 6984+00 - 6995+00

PROJECT NO. RAM 600-1-529
ROUTE 101L
LOCATION I-10 to McDOWELL RD
DWG. NO. ME-1.1
TRACS NO. H 4577 03C
2 OF 9

100 0 50 100 200

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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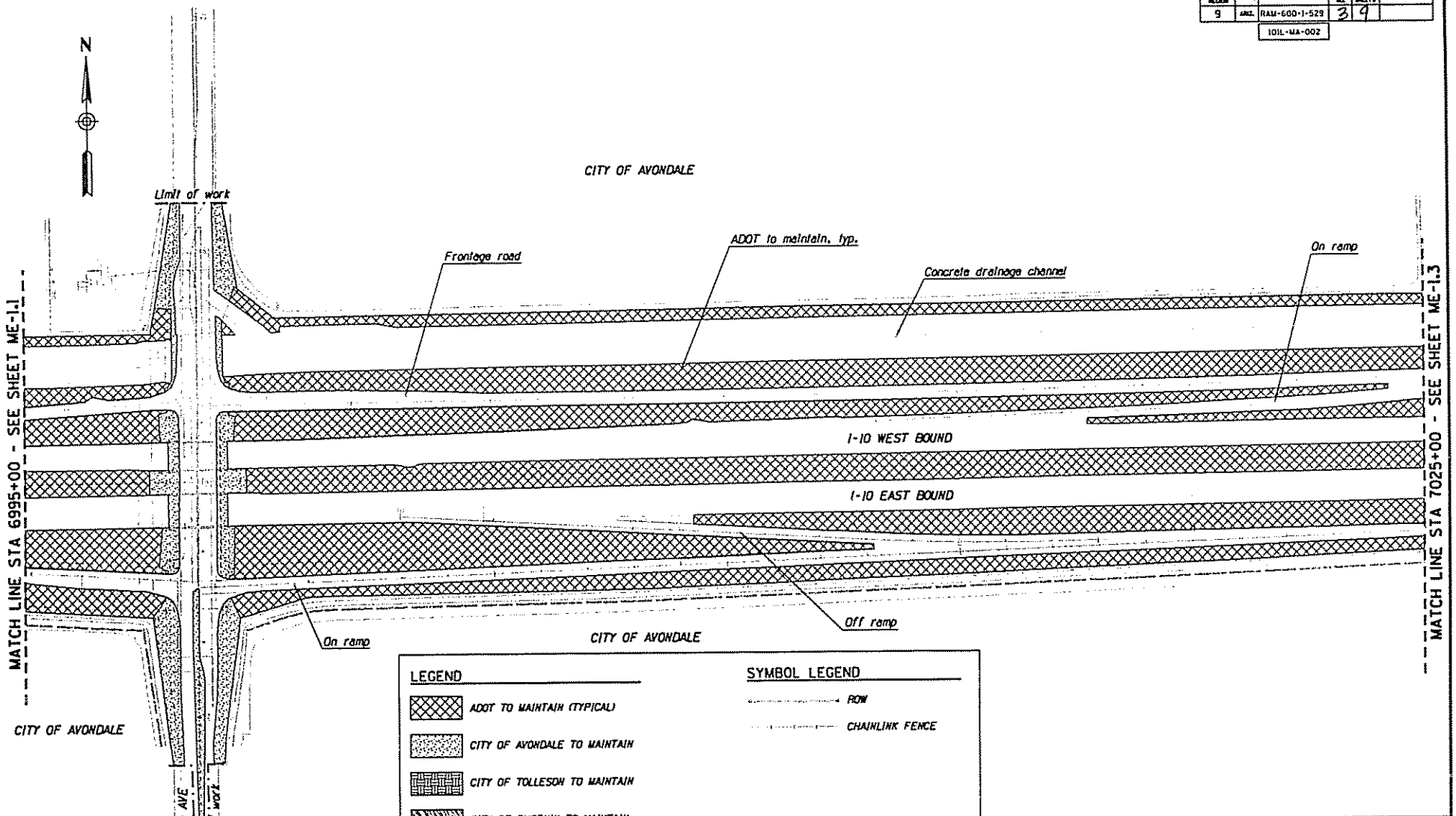
		101L-MA-002			



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DRAWN	JF	07/00
CHECKED	ALH	07/00

Stantec
6211 E. 40th St.
PHOENIX, AZ 85044
(602) 438-2200

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES

101
MAINTENANCE EXHIBIT
STA 6995+00 - 7025+00

PROJECT NO. RAM 600-1-529 | ROUTE 101L | LOCATION I-10 to McDOWELL RD | DWG. NO. ME-1.2

TRACS NO. H 4577 03C

3 OF 9

F.A.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
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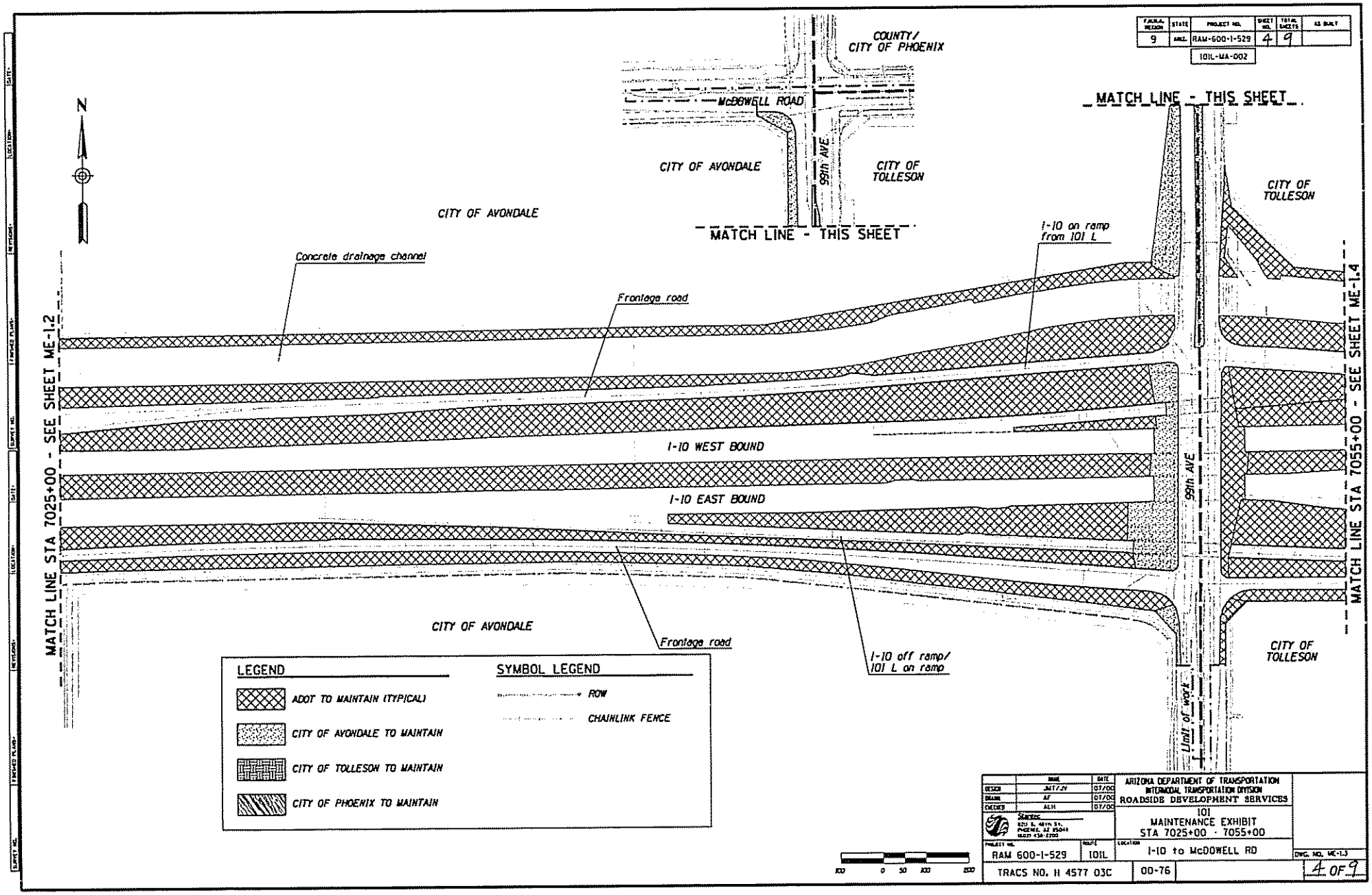
101L-MA-002



	NAME	DATE
DESIGN	JMT/JV	07/00
DRAWN	AF	07/00
CHECKED	ALH	07/00

Stantec
8211 S. 48th St.
PHOENIX, AZ 85044
(602) 438-2200

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES

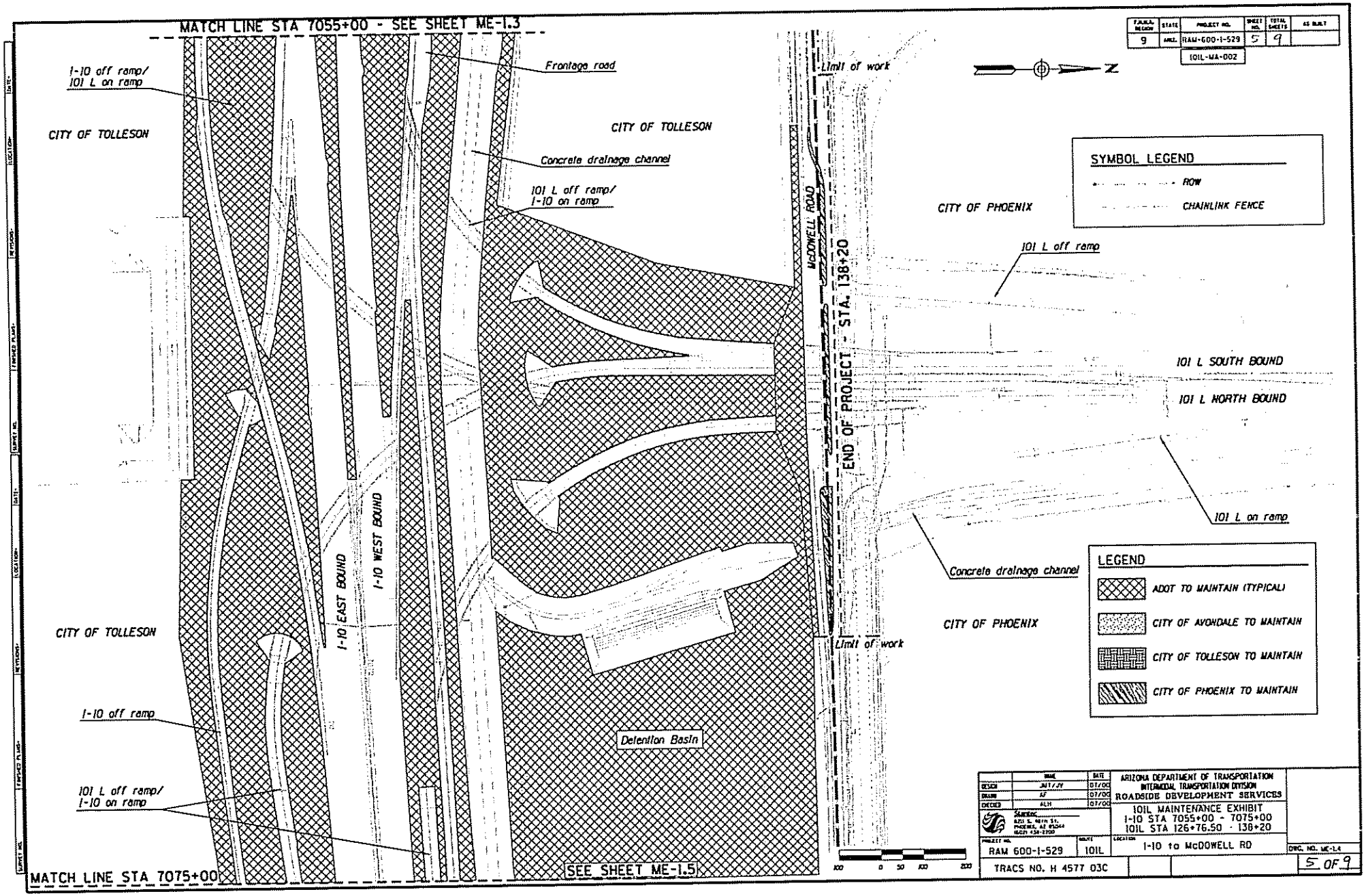
101
MAINTENANCE EXHIBIT
STA 7025+00 - 7055+00

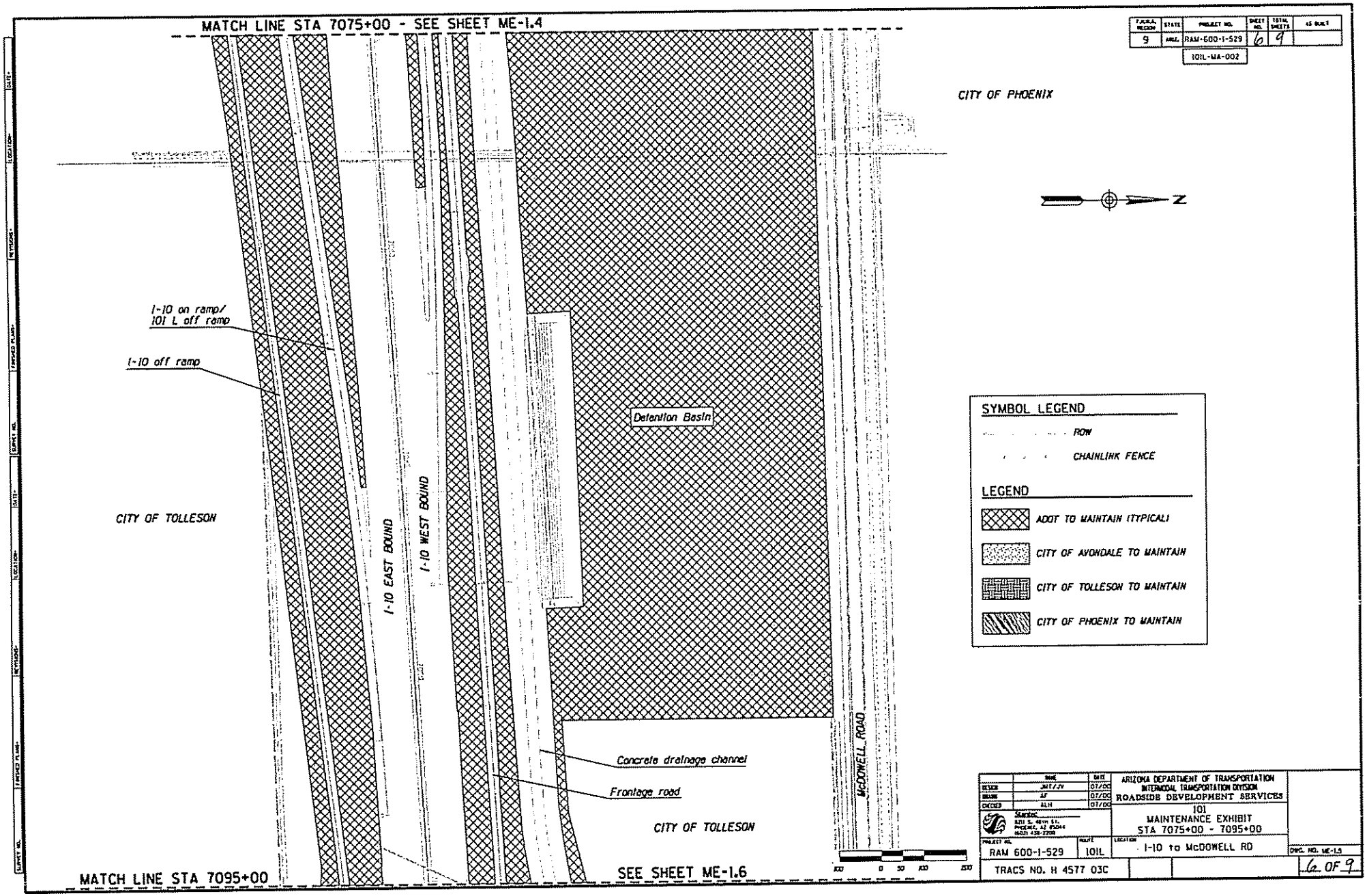
PROJECT NO. RAM 600-I-529 | ROUTE 101L | LOCATION I-10 to McDOWELL RD

TRACS NO. H 4577 03C | 00-76

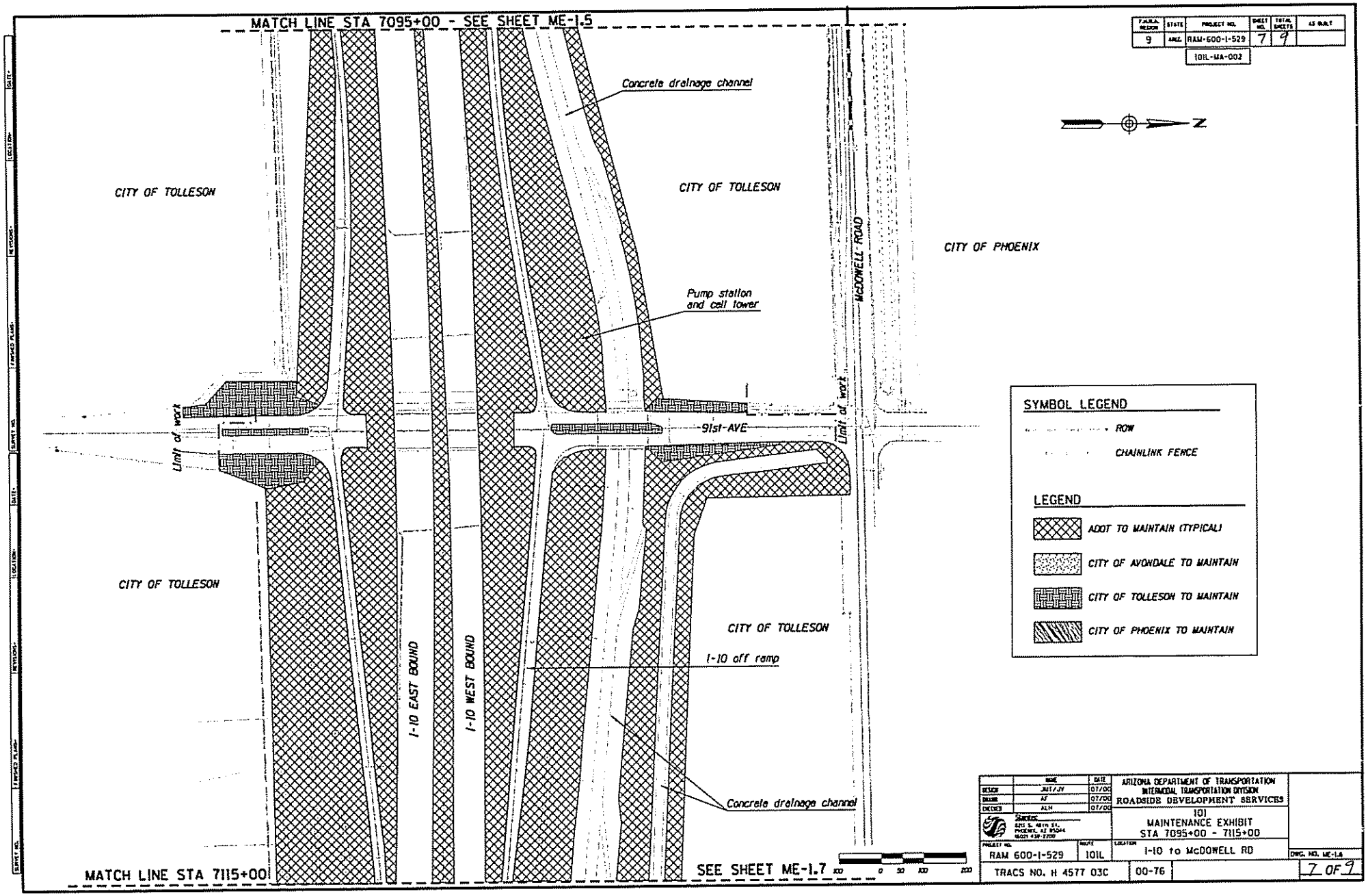
DWG. NO. ME-1.3

4 OF 9

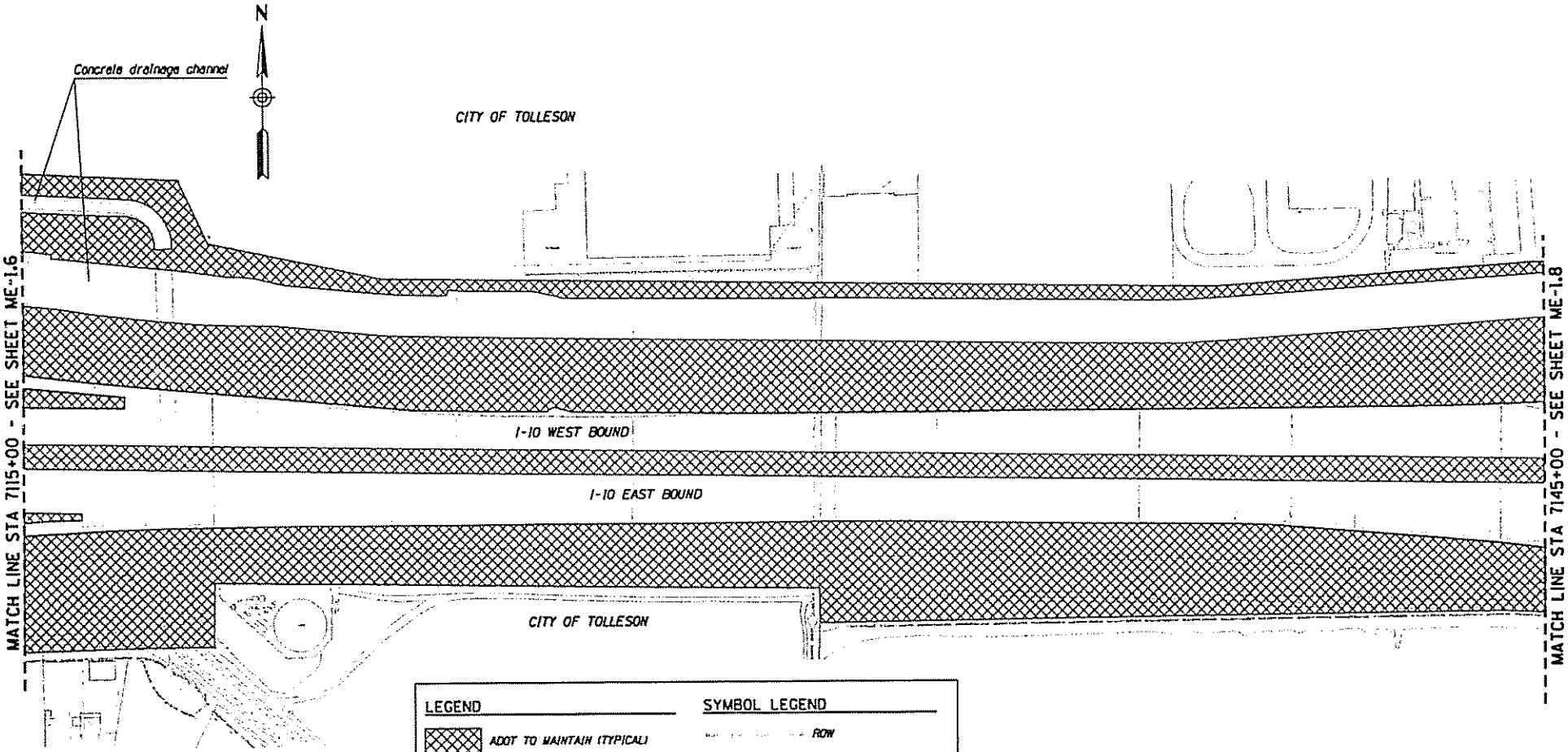

MATCH LINE STA 7055+00 - SEE SHEET ME-1.3
I-10 off ramp/
101 L on ramp
CITY OF TOLLESON
Frontage road
Limit of work
CITY OF TOLLESON
Concrete drainage channel
101 L off ramp/
I-10 on ramp
McDOWELL ROAD
END OF PROJECT - STA. 138+20
CITY OF PHOENIX
101 L off ramp
101 L SOUTH BOUND
101 L NORTH BOUND
101 L on ramp
I-10 WEST BOUND
I-10 EAST BOUND
Concrete drainage channel
CITY OF TOLLESON
CITY OF PHOENIX
Limit of work
I-10 off ramp
Detention Basin
101 L off ramp/
I-10 on ramp
MATCH LINE STA 7075+00
SEE SHEET ME-1.5
SYMBOL LEGEND
ROW
CHAINLINK FENCE
LEGEND
ADOT TO MAINTAIN (TYPICAL)
CITY OF AVONDALE TO MAINTAIN
CITY OF TOLLESON TO MAINTAIN
CITY OF PHOENIX TO MAINTAIN
100 0 50 100 200
FEDERAL REGION 9
STATE ARIZ.
PROJECT NO. RAM-600-I-529
SHEET NO. 5
TOTAL SHEETS 9
AS BUILT
101L-MA-002
NAME DATE
DESIGN JMT/JV 07/00
DRAWN AF 07/00
CHECKED ALH 07/00
ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES
101L MAINTENANCE EXHIBIT
I-10 STA 7055+00 - 7075+00
101L STA 126+76.50 - 138+20
PROJECT NO. RAM 600-I-529
ROUTE 101L
LOCATION I-10 to McDOWELL RD
DWG. NO. ME-1.4
TRACS NO. H 4577 03C
5 OF 9



MATCH LINE STA 7075+00 - SEE SHEET ME-1.4
F.H.W.A. REGION 9
STATE ARIZ.
PROJECT NO. RAM-600-1-529
SHEET NO. 6
TOTAL SHEETS 9
AS BUILT
101L-MA-002
CITY OF PHOENIX
N
I-10 on ramp/
101 L off ramp
I-10 off ramp
Detention Basin
CITY OF TOLLESON
I-10 EAST BOUND
I-10 WEST BOUND
McDOWELL ROAD
Concrete drainage channel
Frontage road
CITY OF TOLLESON
MATCH LINE STA 7095+00
SEE SHEET ME-1.6
100 0 50 100 200
SYMBOL LEGEND
ROW
CHAINLINK FENCE
LEGEND
ADOT TO MAINTAIN (TYPICAL)
CITY OF AVONDALE TO MAINTAIN
CITY OF TOLLESON TO MAINTAIN
CITY OF PHOENIX TO MAINTAIN
DESIGN JMT/JV 07/00
DRAWN AF 07/00
CHECKED ALH 07/00
ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES
101
MAINTENANCE EXHIBIT
STA 7075+00 - 7095+00
PROJECT NO. RAM 600-1-529
ROUTE 101L
LOCATION I-10 to McDOWELL RD
DWG. NO. ME-1.5
TRACS NO. H 4577 03C
6 OF 9


MATCH LINE STA 7095+00 - SEE SHEET ME-1.5
Concrete drainage channel
CITY OF TOLLESON
CITY OF TOLLESON
CITY OF PHOENIX
McDOWELL ROAD
Pump station and cell tower
Limit of work
91st AVE
Limit of work
CITY OF TOLLESON
CITY OF TOLLESON
I-10 EAST BOUND
I-10 WEST BOUND
I-10 off ramp
Concrete drainage channel
MATCH LINE STA 7115+00
SEE SHEET ME-1.7
N
SYMBOL LEGEND
ROW
CHAINLINK FENCE
LEGEND
ADOT TO MAINTAIN (TYPICAL)
CITY OF AVONDALE TO MAINTAIN
CITY OF TOLLESON TO MAINTAIN
CITY OF PHOENIX TO MAINTAIN
ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES
101
MAINTENANCE EXHIBIT
STA 7095+00 - 7115+00
I-10 to McDOWELL RD
RAM 600-I-529
101L
TRACS NO. H 4577 03C
00-76
DWG. NO. ME-1.6
7 OF 9

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	RAM-600-1-529	8	9	
		101L-MA-002			



LEGEND

- ADOT TO MAINTAIN (TYPICAL)
- CITY OF AVONDALE TO MAINTAIN
- CITY OF TOLLESON TO MAINTAIN
- CITY OF PHOENIX TO MAINTAIN

SYMBOL LEGEND

- ROW
- CHAINLINK FENCE

100 0 50 100 200

	NAME	DATE
DESIGN	JAT/JV	07/00
DRAWN	AF	07/00
CHECKED	ALH	07/00

Stantec
8212 S. 48TH ST.
PHOENIX, AZ 85044
(602) 438-2200

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES

101
MAINTENANCE EXHIBIT
STA 7115+00 - 7145+00

PROJECT NO. RAM 600-1-529 | ROUTE 101L | LOCATION I-10 to McDOWELL RD

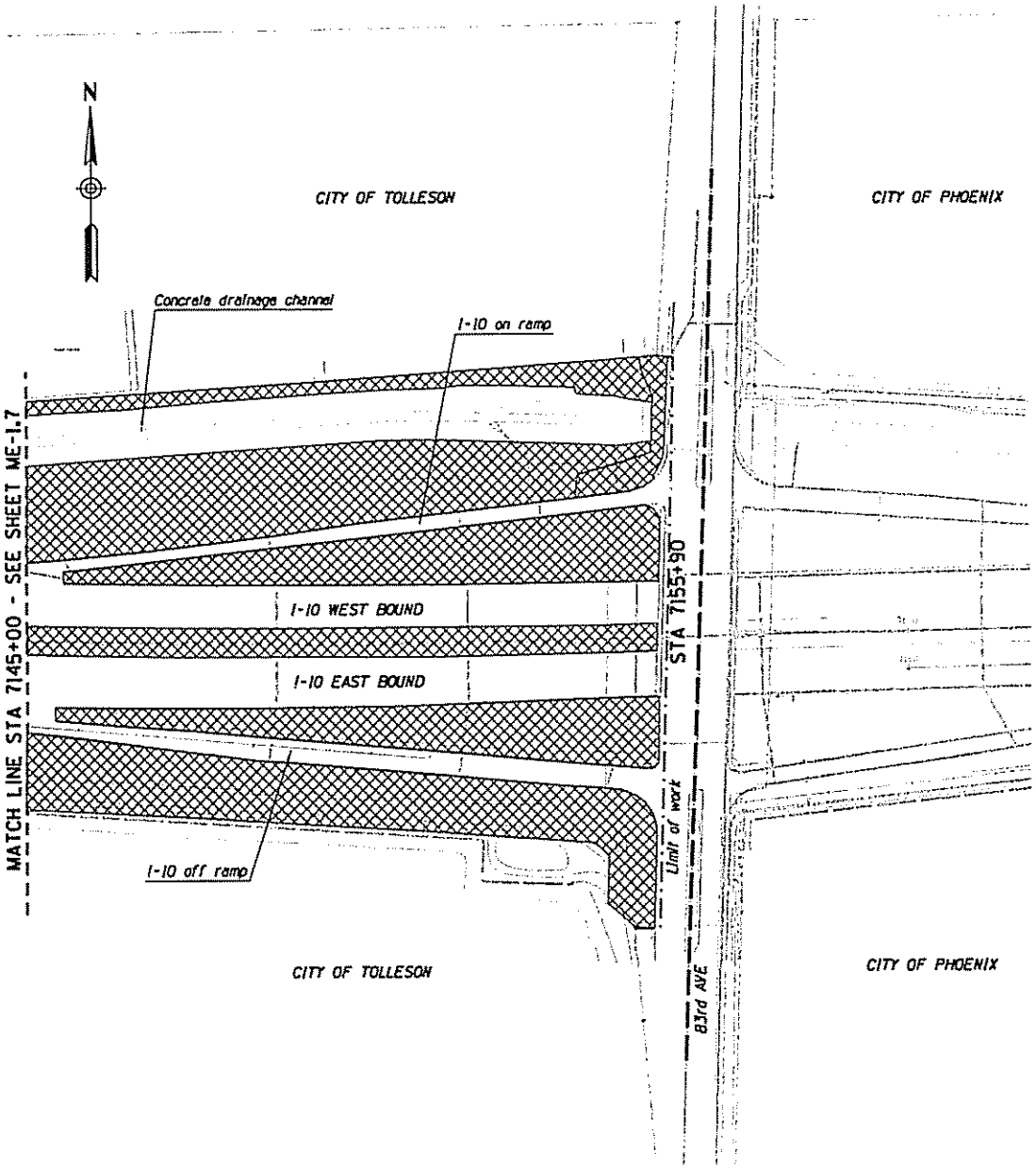
TRACS NO. H 4577 03C

DWG. NO. ME-1.7

8 OF 9

F.A.H.S. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	RAM-600-I-529	9	9	

101L-MA-002



SYMBOL LEGEND

- ROW
- CHAINLINK FENCE

LEGEND

- ADOT TO MAINTAIN (TYPICAL)
- CITY OF AVONDALE TO MAINTAIN
- CITY OF TOLLESON TO MAINTAIN
- CITY OF PHOENIX TO MAINTAIN

100 0 50 100 200

	NAME	DATE
DESIGN	JAT/JV	07/00
DRAWN	AF	07/00
CHECKED	ALH	07/00

Stantec
8211 S. 48TH ST.
PHOENIX, AZ 85044
(602) 438-2200

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ROADSIDE DEVELOPMENT SERVICES

101
MAINTENANCE EXHIBIT
STA 7145+00 - 7155+90

PROJECT NO. RAM 600-I-529 | SHEET 101L | LOCATION I-10 to McDOWELL RD

TRACS NO. H 4577 03C

DWG. NO. ME-1.8

9 OF 9

CITY OF TOLLESON, ARIZONA

RESOLUTION NO. 864

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF TOLLESON, MARICOPA COUNTY, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION.

WHEREAS, there has been presented at this meeting an Agreement by and between the City of Tolleson, Arizona (the "City") and Arizona Department of Transportation ("ADOT") for Freeway Landscape Maintenance from 83rd to 99th Avenues along Interstate 10 (I-10).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Tolleson, Maricopa County, Arizona, as follows:

SECTION 1. The form of Agreement is approved with such necessary and appropriate omissions, insertions and variations as are permitted or required hereby and are approved by the signing officer. Execution by such officer shall constitute conclusive evidence of such approval and cause the Agreement to be delivered. The Mayor, City Manager and/or Public Works Director are hereby authorized to execute and deliver the Agreement on behalf of the City.

SECTION 2. The immediate operation of the provisions hereof is necessary for the preservation of the public peace, health and safety and an emergency is hereby declared to exist, and this resolution will be in full force from and after its passage by the Mayor and Council and it is hereby exempt from the referendum provisions of the Constitution.

PASSED AND ADOPTED this 13th day of February, 2001.

Adolfo E. Gámez, Mayor

ATTEST:

Rosemarie Martinez Booth

Rosemarie Martinez Booth, City Clerk

APPROVED AS TO FORM:

Scott W. Ruby

Scott W. Ruby, City Attorney

JPA 00-76

APPROVAL OF THE CITY OF TOLLESON ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF TOLLESON 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. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 13th day of February, 2001.

Scott W. Rhodes

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) 542-8855
Fax: (602) 542-3646

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

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR00-1379TRN, 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 2, 2001.

JANET NAPOLITANO
Attorney General

Susan E. Davis

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

671544