A. G. Contract No.: KR03-1012TRN
ADOT ECS File No.: JPA 03-33
Tracs# S-586-402 H519601 C
Project: B-10 / Quartzsite
Section: MP 17.54 – MP 18.93
MP 19.01 – MP 19.97

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF QUARTZSITE

THIS AGREEMENT is entered into 17 December, 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 TOWN OF QUARTZSITE, acting by and through its MAYOR and COUNCIL (the "Town").

I. RECITALS

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

2. The Town is empowered by Arizona Revised Statutes Section 9-240 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 Town.

3. The Town and the State mutually agree that it is in the best interest of the parties to reconstruct improvements to Business Route 10 within the Town of Quartzsite, between mile-post MP 17.54 - MP 18.93 and MP 19.01 – MP 19.97. Work will include, but is not limited to: reconstruction of Business Route 10 to a 5 lane urban section, collectively referred to as the "Project". The first segment of the project will be at SR 95 to Plymouth Avenue estimated at $1,100,000.00, the second segment will be at Park Avenue to SR 95 estimated at $3,950,000.00. Funding for the final construction segment, West Quartzsite TI Crossroad to Park Avenue estimated at $3,450,000.00, will be recommended for approval through the Transportation Board in Fiscal Year 2009. With approval and by resolution of the Transportation Board the State will abandon ownership jurisdiction and maintenance responsibilities upon completion of each segment of the project. The Town will accept maintenance responsibility, operation, and ownership of each segment of the Project. Upon completion and waiver of the requirements of Arizona Revised Statutes Section 28-7209 the Project will be accepted into the Town system. The total Project cost estimated at $8,500,000.00, is for design, construction; design and construction contingencies; and construction administration and inspection. The State and the Town agree the State will be the lead agency for the Project.

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

NO. 26494
Filed with the Secretary of State
Date Filed: 12/17/03
Janice K. Brewer
Secretary of State
By: Dinny V. Grossewald

II. SCOPE OF WORK

1. The Town will:

a. Waive the requirements of Arizona Revised Statutes Section 28-7209.

b. Provide all necessary permits, clearances or approvals from any other impacted agencies.

d. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.

e. Upon approval and by the Mayor and the Town Council and by Resolution of the State Transportation Board, accept ownership jurisdiction and maintenance responsibilities for the Project within the Town, between MP 17.54 - MP18.93 and MP 19.01- MP19.97

2. The State will:

a. Be responsible for the total cost of the Project, estimated at $8,500,000.00.

b. Provide or cause to be provided, the design plans, specifications, right-of-way plans and such other documents and services required for construction bidding and construction of the Project.

c. Call for bids and award one or more construction contracts to accomplish the Project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State

d. Upon completion of the Project, and approval by the Mayor and the Town Council and by Resolution of the State Transportation Board abandon to the Town, the ownership jurisdiction and maintenance responsibilities for the Project, within the Town, between MP 17.54 – MP18.93 and MP 10.01- MP19.97.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of all Project Phases and abandonment; which shall be perpetual, may be cancelled at any time prior to the approval by the Mayor and the Town Council and by Resolution of the State Transportation Board, with (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. This agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The provisions of A.R.S.§ 41-1463 and Executive Order Number 99-4 issued by the Governor of the State of Arizona are incorporated by this reference as a part of this Intergovernmental Agreement.

7. Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

8. 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
FAX (602) 712-7424

Town of Quartzsite
Town Manager
465 North Plymouth Avenue
Quartzsite, AZ 85346

9. 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.

TOWN OF QUARTZSITE, ARIZONA

By _____
VERLYN MICHEL
Mayor

STATE OF ARIZONA
Department of Transportation

By _____
DOUGLAS A. FORSTIE, P.E.
Acting Deputy State Engineer

ATTEST

By _____
KAY KREUN
Town Clerk

03-033-SPM-Quartzsite-TB31
9July2003-lg
revised 17 July ly

Copy Certification

State of Arizona

County of La Paz

On this 3 day of November 2003, I certify that the preceding (or attached) document is a true, exact, complete and unaltered photocopy made by Karen Norris of 9/23/03 Meeting Minutes

Cathryn M. Kreun
Notary Public

My commission expires 10-19-06

Residing at Quartzsite, Az

OFFICIAL SEAL
CATHRYN M. KREUN
Notary Public - Arizona
La Paz County
My Commission Expires
OCTOBER 19, 2006

MINUTES

TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, SEPTEMBER 23, 2003 7:00 PM

CALL TO ORDER: Mayor Michel 7:02 p.m.

INVOCATION: Council Member Loyet.

PLEDGE OF ALLEGIANCE: All in attendance.

ROLL CALL: Mayor Michel, Vice Mayor Busby, Council Members Akin, Burris, Loyet, Medina and York.

STAFF PRESENT: Town Attorney/Town Manager Field and Town Clerk Kreun.

COMMUNICATIONS/PETITIONS & CITIZEN COMMENTS: (call to the public).
Vice Mayor Busby censures Council Member Medina for signing up for the Arizona Cities and Towns League Conference and then not attend, the Town paid for it and Council Member Medina should repay the Town.

Mrs. Audrey Burger states she would like to petition the Council to put a stop sign at the road where the Community Building is located.

Mr. Ray Kindy comments that Council Member Medina lives across the street from him and he doesn't believe that Council Member Medina has done anything wrong.
Mrs. Joyce Shay comments regarding place for the citizens to go when the power goes out.

Mr. Dave Richards comments regarding the Town buying a generator to use when the power goes out.

Mrs. Helen Hirst comments regarding not being able to hear at the Council meetings.
REPORTS & ANNOUNCEMENTS:
Vice Mayor Busby reports on the ADOT Board meeting he attended last Friday.

Mayor Michel comments that affordable housing for seniors has been approved by the State of Arizona to the developer. The project is on schedule and they hope to start construction in February.

Mental Illness Awareness Week – Mrs. Boatright, The Excel Group.

Mental Illness Awareness Week Proclamation – Mayor Verlyn Michel.

Domestic Violence Awareness Month 2003 – Mayor Verlyn Michel.

CONSENT AGENDA:

1. Accounts Payable (Check Series: 14453 – 14565/Total = $141,007.64).
2. Approval of Minutes of Special Meeting of September 9, 2003.
3. Authorization for Town Manager to acquire Plymouth Road Right-of-Way.

Council Member Loyet motioned to approve the accounts payable in the amount of $141,007.64 and the minutes of the regular meeting of September 9, 2003 and authorize the Town Manager to acquire the Plymouth Road right-of-way. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 7 in favor. MOTION CARRIED.

NEW BUSINESS:

092303 – 1. First reading of Ordinance No. 03-07 – Town of Quartzsite Magistrate Court Administrative Fees.

Council Member York motioned to withdraw 092303 – 1 Town of Quartzsite Magistrate Court Administrative Fees. Motion seconded by Vice Mayor Busby. Mayor Michel calls for the vote. Vote – 7 in favor. MOTION CARRIED.

092303 - 2. Discussion and possible approval to go into Executive Session pursuant to A.R.S. 38-431.03 (A)(1) & (A)(4) for the purpose of:

a. Negotiations with Margaret Swambat concerning renewal of employment contract as Magistrate.

Mrs. Margaret Swambat waives executive session.

092303 – 3. Discussion and possible action regarding item 2a above.

Vice Mayor Busby motioned to approve the contract for Margaret Swambat as Town Magistrate as requested. Motion seconded by Council Member Loyet. Mayor Michel calls for the vote. Vote – 7 in favor. MOTION CARRIED.

092303 – 4. Discussion and possible action regarding Council support of Quartzsite Children's Toy Run.

Council Member Akin motioned to support 1st Annual Children's Toy Run and help with the purchase of the pins. Motion seconded by Council Member Medina. Vote – 7 in favor. MOTION CARRIED.

092303 – 5. Discussion and possible action regarding Take Back Agreement with ADOT for B-10.

Council Member York motioned to make a Take-Back Agreement with ADOT for B-10. Motion seconded by Council Members Akin and Burris. Mayor Michel calls for the vote. Vote – 6 in favor, 1 opposed (Council Member Medina). MOTION CARRIED.

092303 – 6. Discussion and possible approval of addition to Jay Lewis property 130 E. Main Street (Taco Mio Restaurant) to comply with Arizona State Liquor License Laws.
Council Member Akin motioned to approve addition to Jay Lewis property 130 E. Main Street (Taco Mio Restaurant) to comply with Arizona State Liquor License Laws. Motion seconded by Vice Mayor Busby. Council Member Medina abstains from voting on this item. Mayor Michel calls for the vote. Vote – 6 in favor, 1 abstention (Council Member Medina). MOTION CARRIED.

OLD BUSINESS:
092303 – 1OB. Discussion and possible approval of Ordinance No. 03-06 – Rezone 340 Las Palomas Ave. from RA5 (Rural Area 5 Acres) to SR (Suburban Ranch), Douglas Vogt – Owner.

Vice Mayor Busby motioned to approve Ordinance 03-06, an ordinance of the Town of Quartzsite, Arizona, rezoning real property, APN #306-18-039, 340 Las Palomas Ave., Douglas Vogt, in the Town of Quartzsite, Arizona, from RA5 (Rural Area 5 Acres) to SR (Suburban Ranch) and amending the zoning map to conform thereto. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 7 in favor. MOTION CARRIED.

Mayor Michel comments regarding Mr. Ray Kindy finding monies or a check in the amount of approximately $35,000.00 and turning it in to the Police Department.

ADJOURNMENT:
Council Member Medina motioned to adjourn the meeting. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 7 in favor. MOTION CARRIED. 7:50 p.m.

CERTIFICATION:
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of Quartzsite, Arizona, held on the 23rd day of September 2003.
I further certify that the meeting was duly called and held and that a quorum was present.
DATED this **14th** day of **October** 2003.

Kay Kreun, Town Clerk

APPROVED:

Verlyn Michel, Mayor

Kn/msword/minutes/092303 minutes reg mtg

JPA 03-033

APPROVAL OF THE ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN of QUARTZSITE, an agreement among public agencies which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the TOWN 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 27st day of OCTOBER, 2003.

City 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. KR03-1012TRN (JPA 03-33), 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 December 4, 2003.

TERRY GODDARD
Attorney General

Susan Davis

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/ss

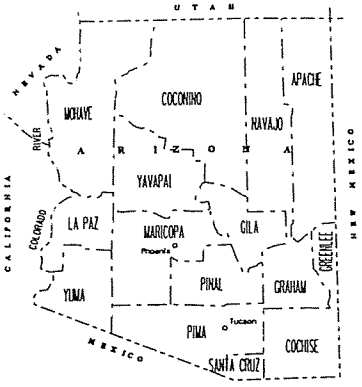
att.

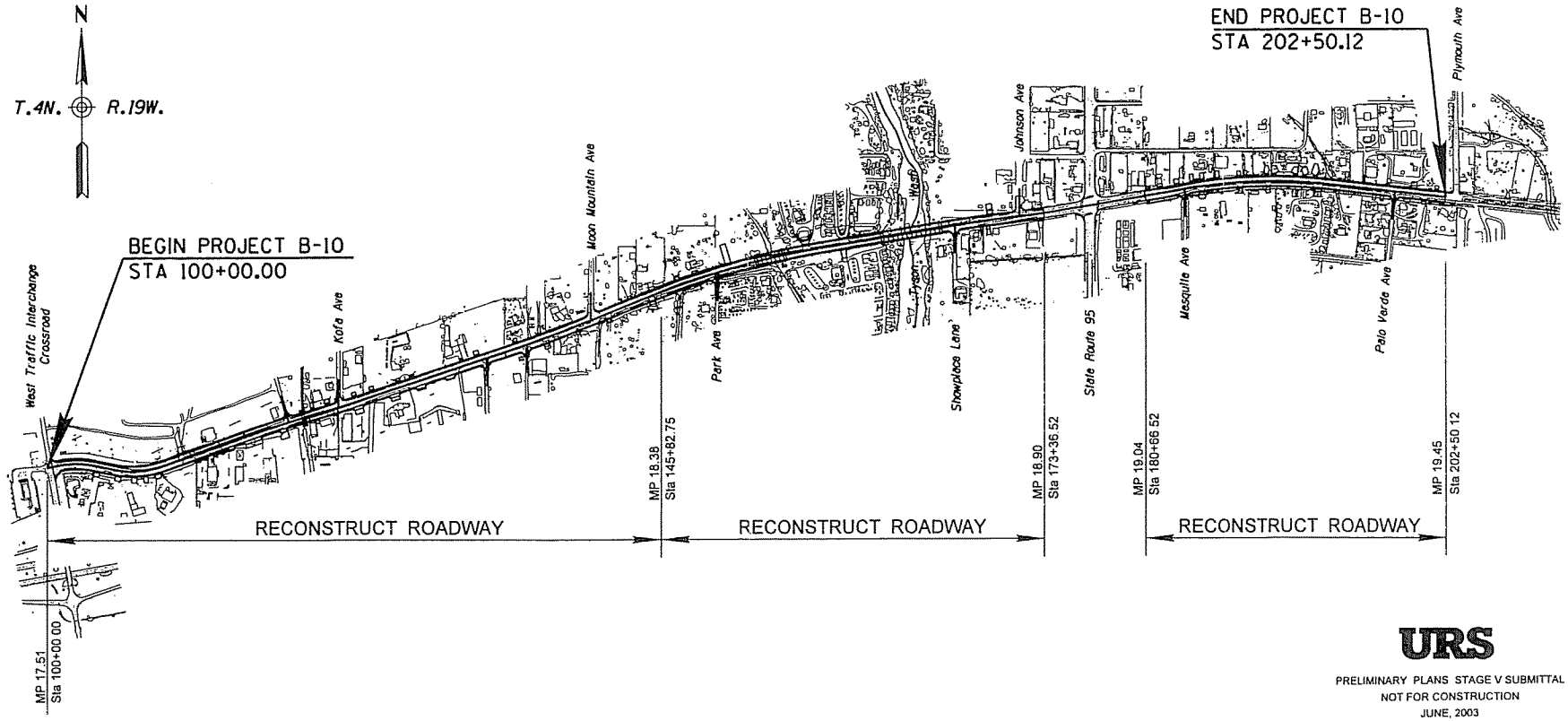
1275 WEST WASHINGTON, PHOENIX, ARIZONA 85007-2926 • PHONE 602.542.1680 • FAX 602.542.3646

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

PLAN AND PROFILE OF PROPOSED

STATE HIGHWAY
BUSINESS ROUTE 10 (B-10)
S 586-402
10B LA 18





URS

PRELIMINARY PLANS STAGE V SUBMITTAL
NOT FOR CONSTRUCTION
JUNE, 2003