NO. 27216
Filed with the Secretary of State
Date Filed: 9-26-07
Secretary of State
By: Bricela Montaño

ADOT JPA File No. 04-037- Amendment One
AG Contract No. KR04-1047TRN
Project No.: **TEA-PRV-0(200)A**
Project: Lake Valley Road-Mt. Valley Park, Multiuse Pathway **Phase II**
TRACS No.: SL598 01C
Budget Source Item No: N/A

AMENDMENT ONE
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PRESCOTT VALLEY

THIS AGREEMENT is entered into September 26th, 2007 Attorney General No. KR04-1047, Original Agreement filed with the Secretary of State, November 12, 2004, File No. 27216, pursuant to Arizona Revised Statutes, § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and TOWN OF PRESCOTT VALLEY acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 and § 28-334 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 § 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 Town.

THE PARTIES HERETO AGREE TO AMEND THE FOLLOWING LANGUAGE TO AGREEMENT 04-037:

Respective to Recital 7, add 7i. to the following language. All other terms and conditions of the original Agreement shall remain in force and effective.

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

7i. Due to increased project costs, the Town, submitted a Transportation Enhancement Application and was approved the additional funding for Enhancement Project TEA-PRV-0(200)A, *Central Core Multi-use Path, Phase II.* Beginning at the Liberty Traditional School on Lake Valley Road and continuing to Mountain Valley Park. The funding for Phase II of the Project is listed below:

Construction Tracs No.: SL598 01C (Phase II)	
Federal-aid funds @ 94.3%	$ 356,369.00
Town funds @ 5.7% of	$ 21,541.00
Town additional funds @ 100%	$ 329,225.18
* Total Estimated Cost of the Phase II	**$ 704,135.18**

Includes construction, construction engineering administration, and incidentals)

Attached hereto and made a part hereof is the Town's Resolution, Exhibit Map for Central Core Multi-use Path, and Approval Transportation Enhancement Letter.

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:

Department of Transportation
Joint Project Administration
205 S. 17th Avenue - 616E
Phœnix, AZ 85007
FAX (602)-712-7424

Town of Prescott Valley
Larry Tarkowski - Town Manager
7501 E. Civic Circle
Prescott Valley, AZ 86314
Office (928)-759-3100
FAX (928)-759-3125

Pursuant to Arizona Revised Statutes § 11-952, (D), 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 PRESCOTT VALLEY

By _____
HARVEY C. SKOOG
Mayor

STATE OF ARIZONA
Department of Transportation

By _____
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

ATTEST:

By _____
DIANE RUSSELL
Town Clerk

G:04-037-Prescott Valley-Multiuse Pathway-Amendment One
First Draft July 11, 2007-ly

JPA 04 -037-Amendment One

ATTORNEY APPROVAL FORM

FOR PRESCOTT VALLEY

INTERGOVERMENTAL AGREEMENT DETERMINATION

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and THE TOWN OF PRESCOTT VALLEY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned TOWN'S Attorney who has determined that it is 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 remaining parties to enter into said Agreement.

Dated 8/24/07, 2007

Attorney

COPY

RESOLUTION NO. 1374

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING THE TRANSPORTATION EFFICIENCY ACT (TEA-21) GRANT APPLICATION FOR FEDERAL FUNDS FOR THE DEVELOPMENT OF THE CENTRAL CORE MULTI-USE PATH, PHASE 2, CIP # S45.2en; AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION AND AUTHORIZING THE ALLOCATION OF $5,000.00 FROM THE NON-DEPARTMENTAL CONTINGENCY FUNDS BUDGET TO ADOT FOR THE APPLICATION PROCESSING FEE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, in response to the high level of interest shown by the citizens of the Town of Prescott Valley for the development of alternative transportation (pedestrian and bicycle) facilities within the Town, the Mayor and Common Council desire to submit a TEA-21 Grant Application for federal funds for the development of such alternative transportation facilities; and

WHEREAS, on 16 October 2001, the Parks & Recreation Commission adopted a Town of Prescott Valley Pedestrian/Bicycle Master Plan designating the proposed locations for the various types of alternative transportation facilities; and

WHEREAS, the Prescott Valley General Plan 2020, adopted on 17 January 2002 and ratified in a public vote on 12 March 2002, includes full utilization and implementation of the Prescott Valley Pedestrian/Bicycle Master Plan throughout the General Plan 2020; and

WHEREAS, the Arizona Department of Transportation (ADOT) is responsible for the administration of the program within the state, establishing rules and procedures governing the application process; and

WHEREAS, ADOT requires that all grant applications submitted to fund these types of alternative transportation projects must have a Resolution from the Mayor and Common Council committing to the proposed project; and

WHEREAS, ADOT requires a fee of $5,000.00 to process the application and to administer the program;

NOW, THEREFORE, LET IT BE RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

1. That the Mayor and Common Council approve the filing of the TEA-21 Grant Application for federal funding to develop the project known as the Central Core Multi-Use Path, Phase 2, CIP # S45.2en; and

2. That the Mayor and Common Council hereby commit to the funding for this project as outlined in the grant application. The budgeting of this funding will occur in the fiscal year for which the project expenditures are expected to occur; and

3. That this resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 11th day of August, 2005.

Harvey C. Skoog, Mayor

ATTEST:

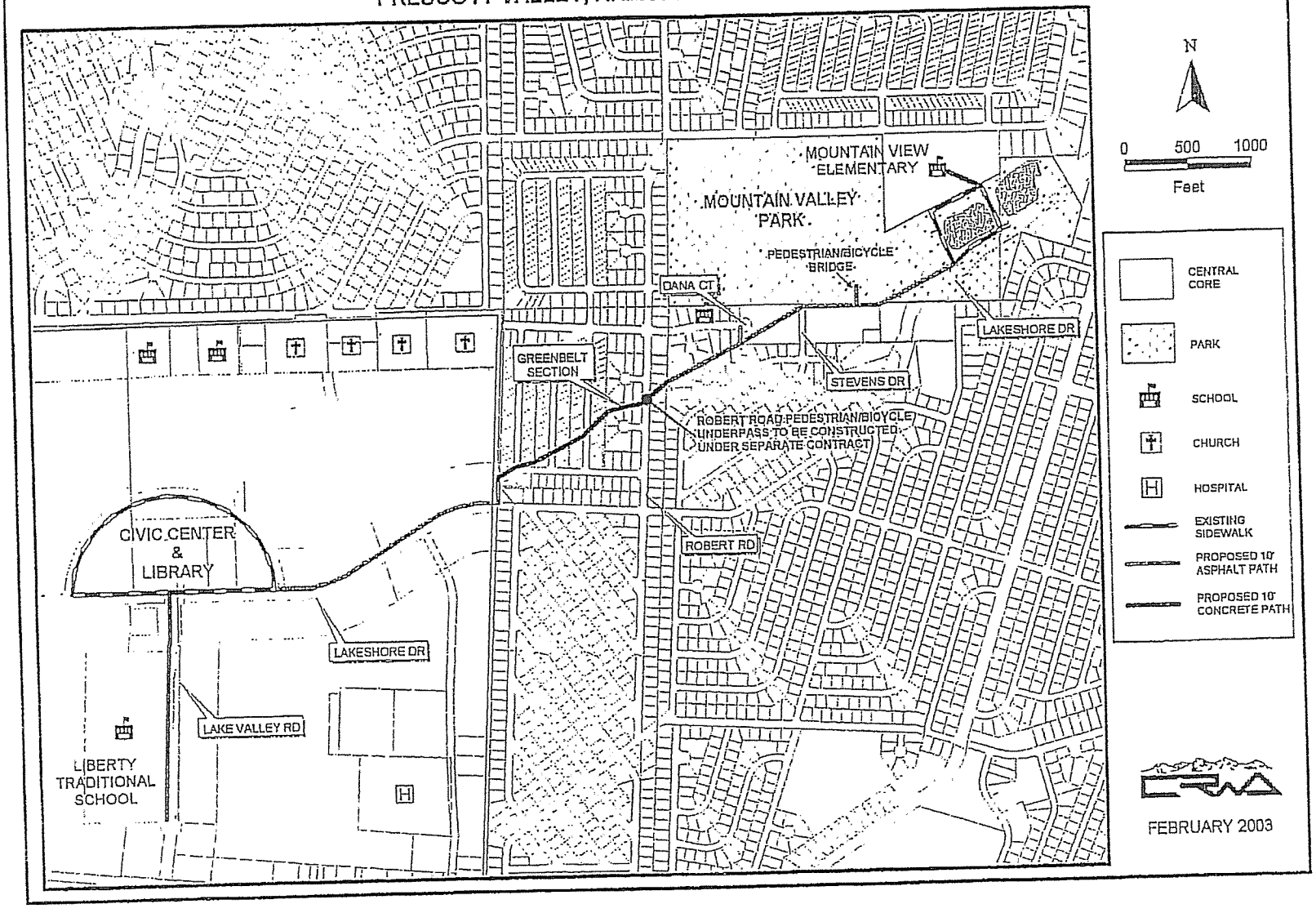
Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney

Exhibit A

PROJECT AREA MAP
CENTRAL CORE MULTI-USE PATH
PRESCOTT VALLEY, ARIZONA



Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

November 28, 2005

Robin Birnbaum
Engineer
Town of Prescott Valley
7501 E. Civic Circle
Prescott Valley, Arizona 86305

Re: Central Core Multi-Use Path

Dear Ms. Birnbaum:

Congratulations! We are pleased to officially inform you that your Round 13 Transportation Enhancement project was approved by the State Transportation Board on November 18, 2005.

In early February you will receive an instructional CD to assist you through the required federal aid development process for your project. Following that, your ADOT Transportation Enhancement Project Manger will contact you about setting up the project kick-off meeting. This meeting must be scheduled by April 1, 2006. We recommend that you assemble your project team prior to the kick-off meeting. This would include: the project manager, scoping/design consultant, environmental consultant etc. The ADOT project manager will lead the team through the project development process and will be there for you each step of the way.

Receipt of this letter does not give you the authorization to expend funds on this project. There are a number of steps that must be completed prior to expending any funds for which you expect to be reimbursed. Do not expend funds without a written notice to proceed.

If you require additional information, please contact me at (602) 712-6258.

Sincerely,

Cheryl W. Banta, Manager
Transportation Enhancement & Scenic Roads Section

Cc: Dallas Hammit, District Engineer
Jack Shambaugh, CYMPO
John O'Connor, Project Manager

Arizona Governor's Award for Quality
2001 Award Recipient

TERRY GODDARD
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
Writer's Direct Line:
602.542.8855
Facsimile: 602.542.3646
E-mail: Susan Davis@azag.gov

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR04-1047TRN (**JPA 04-037, Amendment One**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Prescott Valley, 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: September 19, 2007

TERRY GODDARD
Attorney General

Susan Davis

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:63709
Attachment