ADOT JPA File No.: 04-150
AG Contract No.: KR05-0594TRN
Amendment No. One (1)
Project No.:F-025-2-522
Project: NB & SB Right Turn Lanes
Section: Junction 89, Road 2 North
TRACS No.: H6734 01C
Budget Source Item No.: **73306**
District Minor

AMENDMENT NO. ONE (1)
TO
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF CHINO VALLEY

THIS AGREEMENT is entered into this date January 17, 2006, **Amendment No. One** to JPA No. 04-150, A.G. Contract No.: KR05-0594TRN, filed with the Secretary of State under No. 27718, pursuant to the 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 the TOWN OF CHINO VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statues § 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 Statues § 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.

Article I, Paragraph 4 is revised in full as follows:

4. The State and the Town desire to participate in the design, construction and maintenance of road widening improvements, relocating the signal poles and signal boxes on State Route (SR) 89 and Road 2 North, hereinafter referred to as the "Project". It is mutually agreed that the State will maintain the portion of the Project inside the State's right-of-way and the Town will be the authorized agent to design, construct and maintain the Project outside of the State's right-of-way and acquire any right-of-way necessary to accommodate the widening. The State ***using Fiscal Year (FY) 2006 District Minor Funds,*** and the Town ***using their own funds***, each agree to pay for half of the cost of the Project, estimated at $250,000.00.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 27718
Filed with the Secretary of State
Date Filed: 1-17-06
Secretary of State
By:

II. SCOPE OF WORK

Article II, Paragraph 1.a. is revised in full as follows:

1. The State shall:

a. Upon execution of this Agreement, advertisement of the Project and within thirty-days (30) upon receipt and approval of an invoice from the Town, remit to the Town, an amount currently estimated at $125,000.00, ***from FY 2006 District Minor Funds***, for the State's share of the Project cost.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITHNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

TOWN OF CHINO VALLEY

By Mayor Karen Fann
KAREN FANN
Mayor

ATTEST:

By Jami Lewis
JAMI LEWIS
Clerk

STATE OF ARIZONA
Department of Transportation

By Douglas A. Forstie
DOUGLAS A. FORSTIE, P.E.
Deputy State Engineer, Operations

G:04-150-Chino Valley-Amend Draft-7Nov 2005-slc

JPA 04-150 Amendment One

APPROVAL OF THE TOWN OF CHINO VALLEY

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF CHINO VALLEY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 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 8th day of December, 2005.

Musgrove Drutz & Kack PC

Cathy A. Knapp

Town Attorney

RESOLUTION NO. 05-758

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF NORTH AND SOUTH BOUND RIGHT TURN LANES ON STATE ROUTE (SR) 89 AND ROAD 2 NORTH.

WHEREAS, the Town of Chino Valley is empowered by Arizona Revised State Statues §48-572 to enter into agreement with The State of Arizona Department of Transportation to participate in the design, construction, and maintenance of road widening improvements, relocating the signal poles and signal boxes for right turn lanes on State Route (SR) 89 and Road 2 North; and

WHEREAS, The State will be the authorized agent and maintain the portion of the Project inside the States' right-of-way; and

WHEREAS, The Town will design, construct, and maintain the Project outside of the State right-of-way and will acquire any right-of-way necessary to accommodate the widening; and

WHEREAS, The Town agrees to pay half of the cost of the Project at an estimated amount of $125,000.00;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

That it is in the best interests of the Town of Chino Valley to enter into an agreement with the Arizona Department of Transportation for the purpose of design and construction of North and South bound turn lanes on State Route (SR) 89 and Road 2 North. Funds will be paid to the State from the Road impact fund.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 25th day of August, 2005.

Mayor Karen Fann

Karen Fann, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Musgrove Drutz & Kack,
Town Attorney

TERRY GODDARD
Attorney General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

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

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR05-0594TRN (**JPA 04-150, Amendment No. One**), an Agreement between public agencies, i.e., The State of Arizona and The Town of Chino 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: January 10, 2006

TERRY GODDARD
Attorney General

Susan Davis

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:942142
Attachment