RESOLUTION NO. 2199

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. THREE TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF PAYSON AND THE STATE OF ARIZONA RELATING TO SIDEWALK REPAIR (AG CONTRACT NO. KR03-0388TRN).

WHEREAS, on or about June 30, 2003, the Town of Payson and the State of Arizona, Department of Transportation (ADOT), entered into an intergovernmental agreement for sidewalk repairs along State Routes 87 and 260; and

WHEREAS, said intergovernmental agreement was subsequently amended twice; and

WHEREAS, the parties desire to amend said intergovernmental agreement to provide for additional funding from ADOT to the Town; and

WHEREAS, for such purpose, Amendment No. Three to Intergovernmental Agreement between the State of Arizona and the Town of Payson (AG Contract No. KR03-0388TRN) has been prepared,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Intergovernmental Agreement between the State of Arizona and the Town of Payson (AG Contract No. KR03-0388TRN), attached hereto as Exhibit "A" and incorporated herein as though set forth in full at this point, be and is hereby approved in substantially the form as set forth in said Exhibit "A".

Section 2. That F. Robert Edwards, Mayor of the Town of Payson, be and is hereby authorized to execute said Amendment No. Three in substantially the form attached.

Section 3. That the Town of Payson be and hereby is authorized to take such other and further actions as are necessary or appropriate to carrying out the purposes of said Amendment No. 3.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this _____ day of _____, 2006, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Prepared by Town of Payson Legal Department
SIS:drs July 6, 2006 (11:28AM)
C:\MyFiles\Resolutions\2199 Amendment #3 to IGA w-ADOT re Sidewalk Repair.wpd

JUL 13 2006 G.4*

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

AG Contract No.KR03-0388TRN
ADOT ECS File No.: JPA 02-202
Amendment Three
Project No. TEA-087-B (003) A
TRACS No. H6221 01C
Budget Source, Item No.: 73306

AMENDMENT NO. THREE (3)
INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON

THIS AGREEMENT is entered into this date_____, 2006, **Amendment Three** to JPA 02-202, AG Contract No.: KR03-0388TRN, filed with the Secretary of State under No. 26126, 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 PAYSON, acting by and through its MAYOR and TOWN 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.

THE PURPOSE OF THIS AGREEMENT is to increase the Project funding in the amount of **$10,680.65** for a total amount not to exceed **$50,680.65** for sidewalk repairs along (SR) 87 and (SR) 260.

EXHIBIT "A"

to Resolution No. 2199

Article I, paragraph 5 is amended as follows:

5. The State has agreed to give the Town **an additional amount of $10,680.65** for a total amount not to exceed **$50,680.65** to repair deficiencies of certain sections of the sidewalk along (SR) 87and (SR) 260.

II. SCOPE OF WORK

1. The State shall:

Add paragraph (f) to the following language:

f. Upon execution of this Agreement and within thirty-days (30) upon receipt and approval of an invoice from the Town, remit to the Town an amount not to exceed **$50,680.65**, for sidewalk repairs along (SR) 87 and (SR) 260.

2. The Town shall:

Add paragraph (f) to the following language:

f. Upon execution of this Agreement, invoice the State for an amount not to exceed of **$50,680.65** for sidewalk repairs along (SR) 87 and (SR) 260.

EXCEPT AS AMENDED herein, all other terms and conditions of the Agreement ADOT ECS File No. 02-202 executed, June 30, 2003, Amendment One executed April 6, 2004 and Amendment Two executed August 31, 2005, (attached) remains in full force and in effect.

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

TOWN OF PAYSON

By_____
BARBARA G. BREWER
Mayor

ATTEST

By_____
SILVIA SMITH
Town Clerk

STATE OF ARIZONA
Department of Transportation

By_____
CYNTHIA MILLS
Joint Project Administrator

JPA 02-202
AMENDMENT THREE

APPROVAL OF THE TOWN OF PAYSON

I have reviewed the above referenced intergovernmental Agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF PAYSON, 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_____ day of _____, 2006.

_____

Town Attorney

RESOLUTION NO. 2199

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WHEREAS, the parties desire to amend said intergovernmental agreement to provide for additional funding from ADOT to the Town; and

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PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this _____ day of _____, 2006, by the following vote:

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Prepared by Town of Payson Legal Department
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Mayor

ATTEST

By_____
SILVIA SMITH
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STATE OF ARIZONA
Department of Transportation

By_____
CYNTHIA MILLS
Joint Project Administrator

JPA 02-202
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DATED this_____ day of _____, 2006.

_____

Town Attorney