

RESOLUTION NO. 2225

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 4 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, AND THE TOWN OF PAYSON, PERTAINING TO IMPROVEMENT OF THE SIDEWALK AT STATE ROUTES 87 AND 260 IN THE TOWN OF PAYSON.

WHEREAS, on or about June 30, 2003, the State of Arizona, Department of Transportation, ("ADOT") and the Town of Payson entered into an Intergovernmental Agreement for transfer and repair of the sidewalk at State Routes 87 and 260 (the "Agreement"); and

WHEREAS, said Agreement was subsequently amended on April 6, 2004 (Amendment No. 1), August 31, 2005 (Amendment No. 2), and August 1, 2006 (Amendment No. 3); and

WHEREAS, ADOT and the Town desire to amend said Agreement to provide for additional payment from ADOT to the Town in the amount of \$7,600.00; and

WHEREAS, for such purpose, Amendment Number 4 to the Agreement has been prepared,

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

Section 1. That Amendment No. 4 to the Intergovernmental Agreement between the Sate of Arizona and the Town of Payson, set forth on Exhibit "A" attached hereto, be and is hereby approved in substantially the form set forth on Exhibit "A".

Section 2. That F. Robert Edwards, Mayor of the Town of Payson, be and is hereby authorized to execute said Amendment No. 4 to the Intergovernmental Agreement between the Sate of Arizona and the Town of Payson, attached as Exhibit "A," in substantially the form set forth therein.

Section 3. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes provided for in this Resolution Number 2225.

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 October 12, 2006 (5:25PM)

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F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

JPA No.: 02-202I
AG Contract No.: KR03-0388TRN
Amendment No. 4
Project No.: TEA-087-B (003) A
Project:
Section: SR 87 South Bound of Payson
North Intersection SR 87 with SR 260
TRACS No.: H622101C
Budget Source Item No.: 73307

**AMENDMENT NO. 4
TO
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON**

THIS AGREEMENT is entered into this date _____, 2006, Amendment No. 4 to JPA No. 02-202, A.G. Contract No.: KR03-0388TRN, filed with the Secretary of State under No. 26126, 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 PAYSON, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28401 and 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 28-401 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 \$7,600.00 for a total amount not to exceed \$57,030.65 for sidewalk repairs along (SR) 87 and (SR) 260.

EXHIBIT "A"

to Resolution No. 2225

Article I, paragraph 5 is amended as follow:

5. The State has agreed to give the Town an additional amount of \$7,600.00 for a total amount not to exceed \$57,030.65 to repair deficiencies of certain sections of the sidewalk along (SR) 87 and (SR) 260.

II. SCOPE OF WORK

Article II, paragraph 1 f. is amended as follows:

1. The State shall:

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 \$57,030.65, for sidewalk repairs along (SR) 87 and (SR) 260

Article II, paragraph 2 f. is amended as follows:

2. The Town shall:

f. Upon execution of this Agreement, invoice the State for an amount not to exceed of **\$57,030.65** 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, and Amendment Three executed, August 1, 2006, (attached) remains in full force and in effect.

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

TOWN OF PAYSON

STATE OF ARIZONA

Department of Transportation

By _____
F. ROBERT EDWARDS
Mayor

By _____
CYNTHIA MILLS
Joint Project Administrator

ATTEST:

By _____
SILVIA SMITH
Clerk

ATTORNEY APPROVAL FORM FOR THE TOWN OF PAYSON

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 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