74-79

RESOLUTION 79 ~~-74~~

74-79

WHEREAS it has been resolved that it would be in the best interest of Navajo County to enter into an intergovernmental agreement with the State of Arizona, Department of Transportation, Highways Division, for the construction of two bridges with funds allocated from the State General Fund by Arizona Laws 1979, Chapter 217, (H.B.2457), Section 13, Subsection 9, Therefor,

BE IT RESOLVED that the Board of Supervisors of of Navajo County does hereby agree to the intergovernmental agreement for Project HB-983-907 and 910, Moonridge Road and Peterson Road at Billy Creek.

Approved this 27th day of November 1979, Navajo County Board of Supervisors.

Norman H. Turley

Norman H. Turley, Chairman

Attest:

Connie J. Mazon

Clerk of the Board

AG CONTRACT NO. 79-854

Project HB-983-907 & -910
Moon Ridge Road and Peterson
Road at Billy Creek

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE COUNTY OF NAVAJO

THIS AGREEMENT, entered into this_____day of_____, 1979, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the COUNTY OF NAVAJO, hereinafter called "COUNTY",

WHEREAS, STATE is charged by Arizona Laws 1979, Chapter 217 (H.B. 2457), Section 13, Subsection 9 to administer funds appropriated for the construction of bridges needed because of extensive flooding and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of STATE; and

WHEREAS, COUNTY has met the requirements imposed by said chapter and section to receive part of said funds for bridge sites hereinafter designated, and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of COUNTY; and

WHEREAS, both parties wish to set forth their respective responsibilities and the guide lines to fulfill the mandate of said chapter.

NOW, THEREFORE, the parties hereto covenant and agree as follows:

COUNTY SHALL:

1. Have the option of either using its own engineering staff to design the bridges hereinafter designated or to employ a consult-

ing engineer or engineering firm to design them. If a consulting engineer or engineering firm is utilized State shall be advised of the firm selected and the starting date of the contract.

2. Design said bridges or cause them to be designed in accordance with the American Association of State Highway and Transportation Officials' bridge design standards and under the supervision of a registered professional engineer and shall so certify to State.

3. Call for bids and award a construction contract for each bridge to the successful bidder, and advise State as to the successful bidder.

4. Administer and oversee the construction contract, assuring that the bridges are built according to Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, Edition of 1969 or Standard Specifications adopted by County or other approved construction standards.

5. Upon completion of construction of each, certify to State that the bridge was constructed under the supervision of a registered professional engineer and in accordance with the approved plans and specifications and that County has accepted each bridge. Thereafter County shall have the maintenance responsibility for said bridges.

6. Submit monthly billings to State's Local Government Section, Highways Division for payment of not more than 75% of the cost of construction, including the necessary incidentals of foundation investigation, design, essential right of way acquisition, diking, site preparation and minimal bridge approach work required to utilize the bridges. The bridge sites and the maximum amount to be applied to each are as follows:

a. Moon Ridge Road over Billy Creek, $105,000.00, no more than 30% of which may be expended in the fiscal year 1979-80 unless otherwise approved by STATE's Local Government Section.

b. Peterson Road over Billy Creek, $112,500.00, no more than 30% of which may be expended in the fiscal year 1979-80 unless otherwise approved by STATE's Local Government Section.

7. Provide matching funds of at least 25% of the cost of each bridge. It is understood that STATE'S contribution for construction shall not exceed $105,000 for the Moon Ridge Road bridge and $112,500 for the Peterson Road bridge and that should said amounts not cover the entire 75% of the costs of each bridge, County shall pay any amount needed in excess of and in addition to the 25% set out herein in order to assure the completion of each bridge.

8. Assure that its accounting procedures are satisfactory for documentation of all costs related to the construction of each bridge and shall make its accounting records available for audit by State agents or employees at all reasonable hours.

STATE SHALL:

1. Make payments only from the funds allocated by and according to the terms of said chapter and section of the above cited law.

2. Monitor expenditures and audit the accounting records of County to make certain that payments to County do not exceed the specified limitations. It is understood that any funds unexpended and unencumbered on July 1, 1982 shall revert to the State general fund.

I. This Agreement shall remain in force and effect until the work herein embraced has been completed in accordance with the terms of the Agreement or until earlier terminated by either STATE or COUNTY upon thirty (30) days' written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement.

II. This Agreement shall become effective on the date of its being filed with the Secretary of State.

III. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that COUNTY is authorized under the laws of

A.G. CONTRACT NO. 29-831

this State to enter into this Agreement and that it is in proper form.

IV. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

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

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

By_____

Chief Deputy State Engineer

NAVAJO COUNTY, ARIZONA

By Norman W. Dudley

Title_____

ATTEST:

Connie J. Mazon

CLERK OF THE BOARD OF SUPERVISORS

WRL:db
8-30-79

OFFICE OF

NAVAJO COUNTY ATTORNEY

JAY V. FLAKE
COUNTY ATTORNEY
WARNER G. LEPPIN
CHIEF DEPUTY

NAVAJO COUNTY GOVERNMENTAL CENTER
HOLBROOK, ARIZONA 86025
TELEPHONE (602) 524-6161

THOMAS L. WING
DEPUTY
MICHAEL G. PROST
DEPUTY
DALE K. PATTON, JR.
DEPUTY

November 23, 1979

Mr. Jim Bruce
Navajo County Engineer
Navajo County Governmental Center
Holbrook, Arizona 86025

RE: Project HB-938-907 &910
Moon Ridge Rd. & Peterson Rd. at Billy Creek
Agreement for Bridge Construction

Dear Jim:

I have reviewed the proposed inter-governmental agreement between the State of Arizona and the County of Navajo for the above project and find the same to be authorized under the laws of the state of Arizona and find the agreement to be in proper form.

If you need any thing else, please let me know.

Very truly yours,

Jay V. Flake

JAY V. FLAKE
NAVAJO COUNTY ATTORNEY

RESOLUTION 79-74

WHEREAS it has been resolved that it would be in the best interest of Navajo County to enter into an intergovernmental agreement with the State of Arizona, Department of Transportation, Highways Division, for the construction of two bridges with funds allocated from the State General Fund by Arizona Laws 1979, Chapter 217, (H.B.2457), Section 13, Subsection 9, Therefor,

BE IT RESOLVED that the Board of Supervisors of of Navajo County does hereby agree to the intergovernmental agreement for Project HB-983-907 and 910, Moonridge Road and Peterson Road at Billy Creek.

Approved this 27th day of November, 1979, Navajo County Board of Supervisors.

Norman H. Turley

Norman H. Turley, Chairman

Attest:

Connie J. Mayer

Clerk of the Board

ADOT CONTRACT NO. 79-834

RESOLUTION

BE IT RESOLVED on this 10th day of September, 1979, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona for the Highways Division of the Department of Transportation to enter into an intergovernmental agreement with Navajo County for the construction of two bridges with funds allocated from the State general fund by Arizona Laws 1979, Chapter 217, (H.B. 2457), Section 13, subsection 9.

Therefore authorization is hereby given to draft an agreement for said purpose, which upon completion shall be returned for approval and execution by the Chief Deputy State Engineer on behalf of the department.

W A Ordway

W. A. Ordway, Director
Arizona Department of Transportation