

RESOLUTION NO. 20-41

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION, ARIZONA, TO ADOPT A FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH PINAL COUNTY, ARIZONA, DEFINING RESPONSIBILITY FOR ROAD MAINTENANCE OF SUPERSTITION MOUNTAIN DRIVE, SOUTH MOUNTAIN VIEW ROAD AND SOUTHERN AVENUE.

WHEREAS, the City of Apache Junction ("Apache Junction") and Pinal County ("Pinal County") desire to amend the February 28, 2018 intergovernmental agreement ("IGA") with Pinal County clarifying responsibilities of the parties for road maintenance of segments of Superstition Mountain Drive, South Mountain View Road and Southern Avenue; and

WHEREAS, the Pinal County board of supervisors and Apache Junction city council both look to limit capital and infrastructure maintenance costs through intergovernmental operations; and

WHEREAS, pursuant to A.R.S. § 11-952(A), public entities may enter into intergovernmental agreements with each other for joint or cooperative activities; and

WHEREAS, the parties have crafted the attached written amendment to the 2018 IGA which formalizes the arrangement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION ARIZONA, AS FOLLOWS:

- 1) The mayor and city council hereby approve the first amendment to IGA for clarifying the road maintenance obligations as set forth in Attachment A; and the mayor is hereby authorized to sign the agreement on behalf of the city.
- 2) The city manager and/or his designee is authorized and directed to take all steps necessary to carry out the purpose and intent of this resolution and to fulfill all the duties required under this amendment.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
APACHE JUNCTION, ARIZONA, THIS ____ DAY OF _____, 2021.

SIGNED AND ATTESTED TO THIS ____ DAY OF _____, 2021.

CHIP WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:



RICHARD J. STERN
City Attorney

ATTACHMENT A

**FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
BETWEEN PINAL COUNTY AND THE CITY OF APACHE JUNCTION
DEFINING RESPONSIBILITY FOR ROAD MAINTENANCE OF SUPERSTITION
MOUNTAIN DRIVE, SOUTH MOUNTAIN VIEW ROAD AND SOUTHERN AVENUE**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("First Amendment") dated this ____ day of _____, 2021, is made by and between PINAL COUNTY, a political subdivision of the State of Arizona ("Pinal County") and CITY OF APACHE JUNCTION, an Arizona municipal corporation ("Apache Junction"), both collectively referred to as the "Parties" or individually as a "Party".

RECITALS

- A) Pinal County and Apache Junction are Parties to that certain Intergovernmental Agreement Defining Responsibility for Road Maintenance of Superstition Mountain Drive, South Mountain View Road and Southern Avenue dated February 28, 2018 (the "Agreement").
- B) The Parties desire to amend the Agreement by including additional roadways as provided in this First Amendment.

AGREEMENT

Now therefore, the Parties agree as follows:

- 1. All provisions of the Agreement are hereby incorporated by this reference into this First Amendment. The provisions of the Agreement shall continue in full force and effect except as specifically amended by this First Amendment.
- 2. Section 1 of the Agreement shall be revised to read as follows:

For public safety and welfare of the public, the Parties hereto agree to maintain portions of paved and unpaved roadways known as:

- Exhibit A - Superstition Mountain Drive – US 60 to approximately 300' north
- Exhibit B - Mountain View Road – US 60 to 32nd Avenue
- Exhibit C - Southern Avenue - Delaware Drive to Ironwood Drive
- Exhibit D - Southern Avenue - Mariposa Road to Tomahawk Road
Tomahawk Road – US 60 to approximately 615' north
- Exhibit E – Starr Road – Southern Avenue to 28th Avenue
- Exhibit F – 36th Avenue – Desert View Drive to Ironwood Drive
- Exhibit G - Ironwood Drive – 28th Avenue to approximately 300' south
- Exhibit H - Southern Avenue – Cortez Road to Starr Road
- Exhibit I - Cactus Road – Baseline Road to 36th Avenue
- Exhibit J – Baseline Road – Meridian Road to City Boundary

hereinafter called the "Project," which is located within the jurisdictions of Pinal County and

Apache Junction.

3. Section 4 of the Agreement shall be revised to read as follows:

Pinal County agrees to provide regular and routine roadway maintenance on the portions of the roadways depicted in Exhibits A, B, D (Tomahawk Road) and J lying within Apache Junction jurisdiction. This includes:

- A. Superstition Mountain Drive – U S60 to approximately 300' north
- B. Mountain View Road – US 60 to 32nd Avenue
- D. Tomahawk Road – US 60 to approximately 615' north
- J. Baseline Road – Meridian Road to Apache Junction Boundary

4. Section 5 of the Agreement shall be revised to read as follows:

Apache Junction agrees to provide regular and routine roadway maintenance on portions of the roadways depicted in Exhibits C, D (Southern Avenue), E, F, G, H and I, lying within Pinal County jurisdiction.

5. Section 7 of the Agreement shall be revised as follows:

The Agreement shall be effective upon execution by the last Party and remain in full force and effect until completion of the Project, termination of the Agreement, or by January 1, 2030, whichever of the three occurrences comes first.

6. This Agreement may be cancelled for conflict of interest without further obligation or penalty, in accordance with A.R.S. § 38-511.

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

PINAL COUNTY

CITY OF APACHE JUNCTION

Recommended by:

Recommended by:

Andrew Smith Date
Interim Director
Department of Public Works

Mike Wever Date
Director
Public Works Department

Approved and Accepted:

Approved and Accepted:

By: _____
Chair Date
Board of Supervisors

By: _____
Chip Wilson Date
Mayor
City of Apache Junction

Attest:

Attest:

By: _____
Clerk of the Board Date

By: _____
Jennifer Pena Date
City Clerk
City of Apache Junction

APPROVAL AS TO FORM

I hereby state that I have reviewed the proposed First Amendment to Intergovernmental Agreement between Pinal County and Apache Junction pursuant to A.R.S. § 11-952, and declare the First Amendment to be in proper form and within the powers and authority granted to their respective governing bodies under the laws of the State of Arizona.

Mark J. Langlitz, Deputy County Attorney

Richard J. Stern, Apache Junction City Attorney

Date

Date

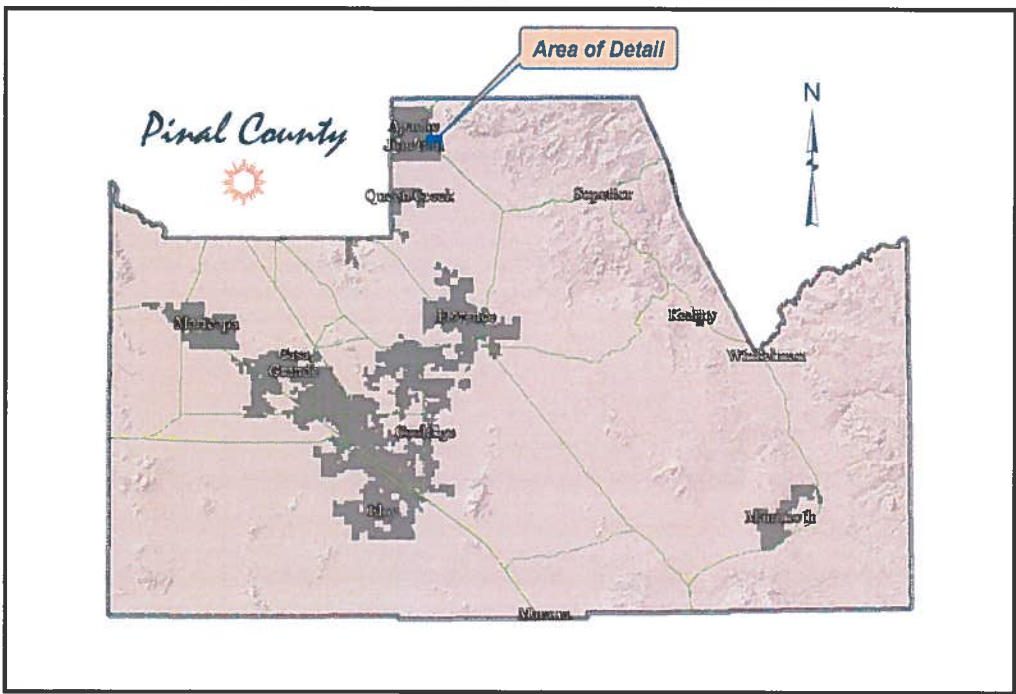






Exhibit - B **County Maintained** **Roadway**

-  Mountain View Rd - US 60 to 32nd Ave
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary

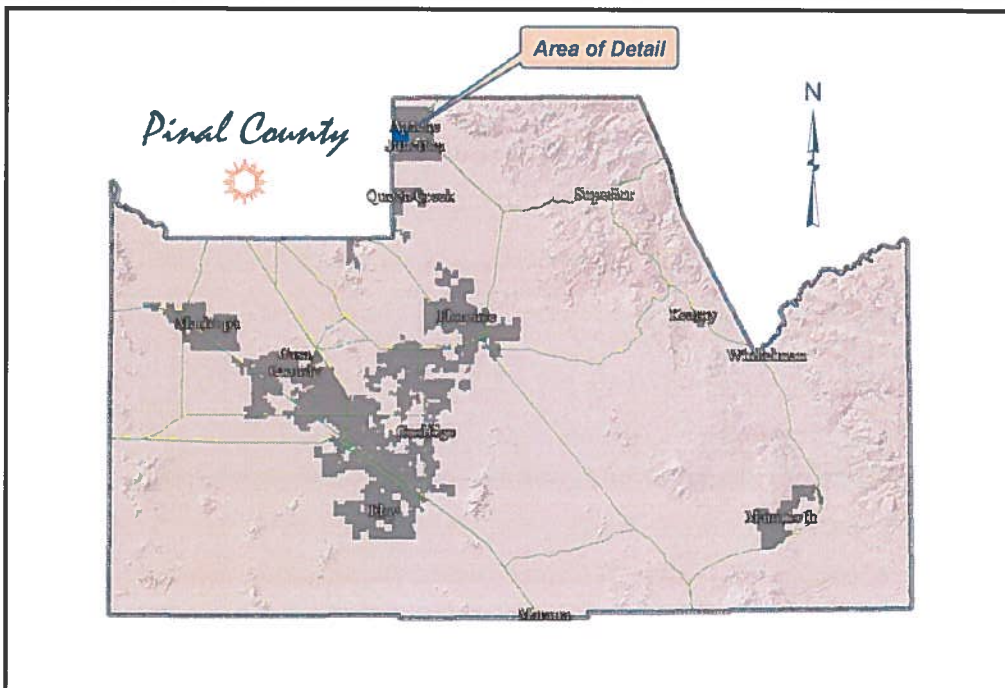
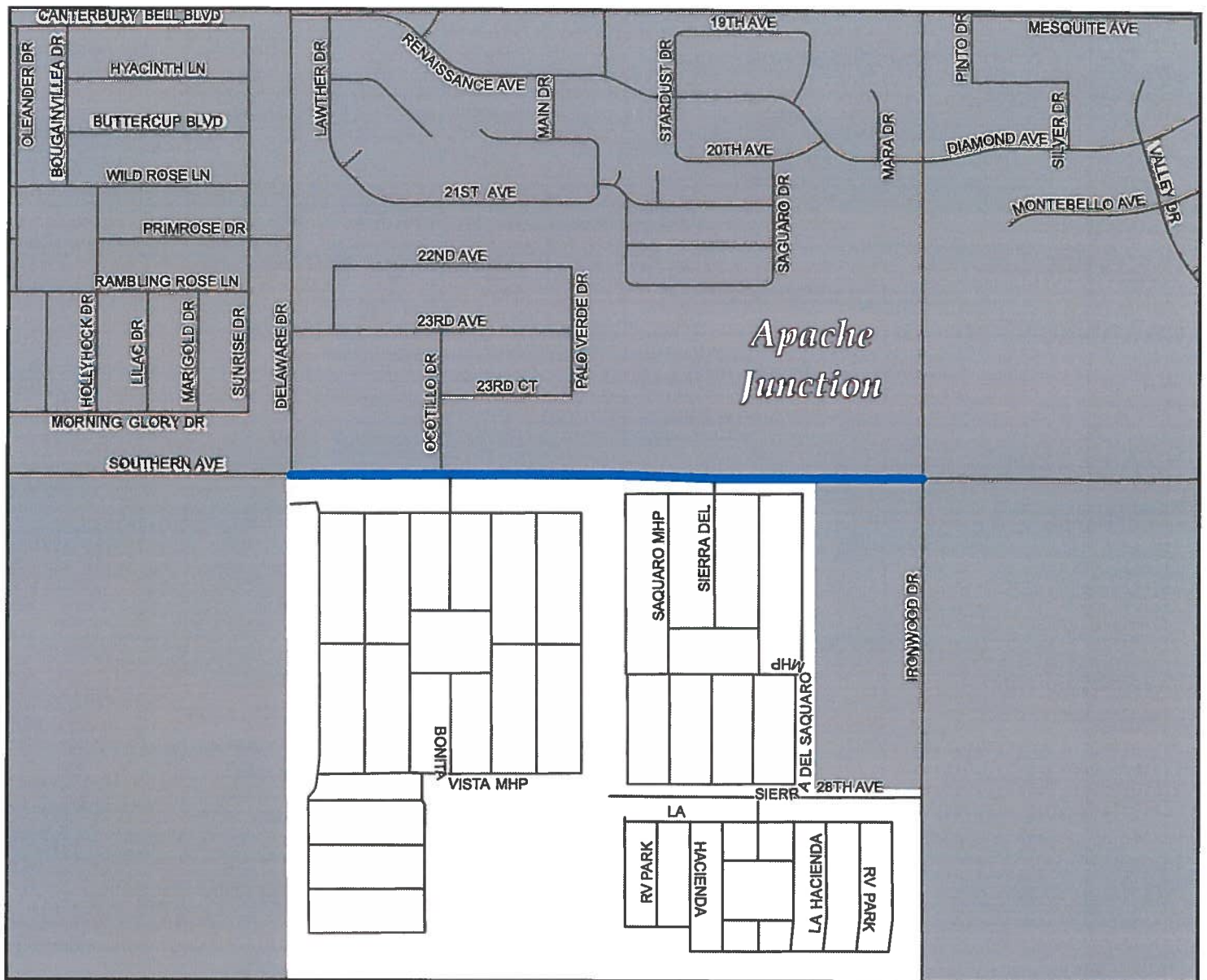


Exhibit - C City Maintained Roadway

- Southern Ave- Delaware Dr to Ironwood Dr
- Street Centerline
- City/Town Boundary

PINAL COUNTY
WIDE OPEN OPPORTUNITY

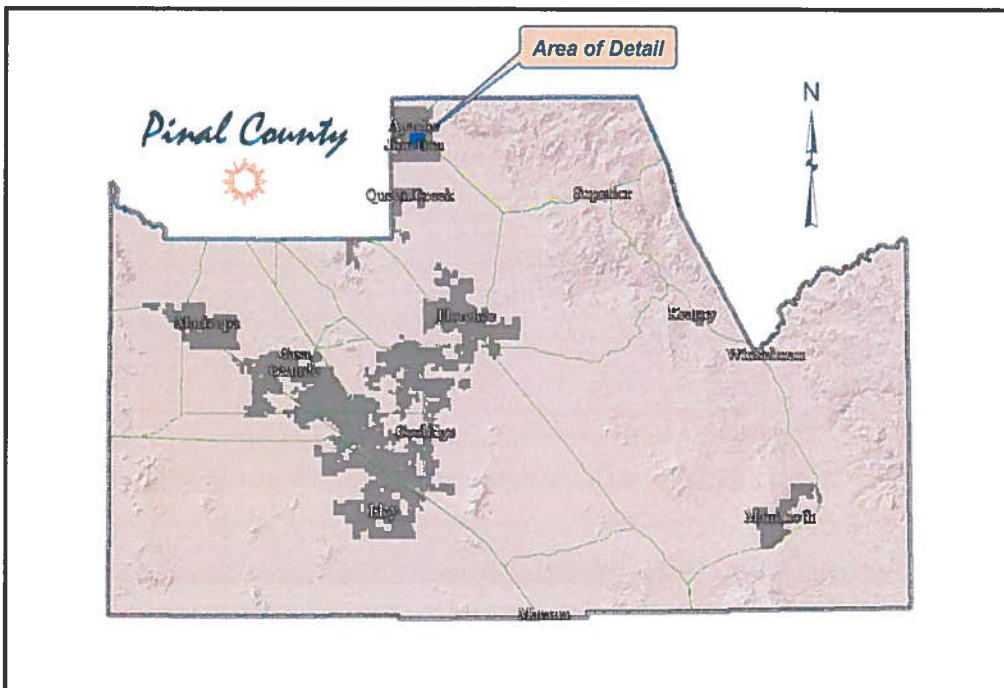
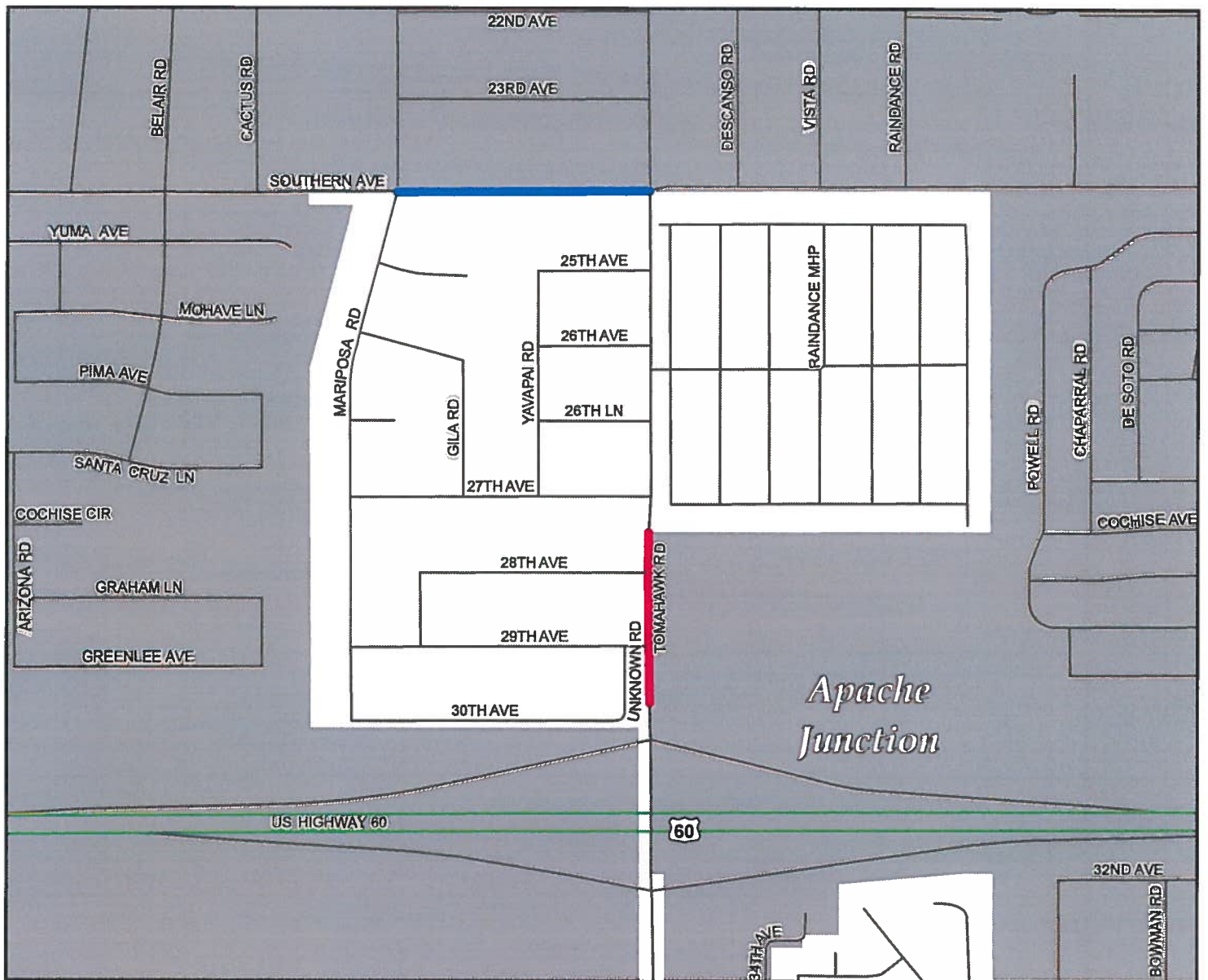








Exhibit - D County & City Maintained Roadway

-  Southern Ave - Mariposa Rd to Tomahawk Rd (City Maintained)
-  Tomahawk Rd - US 60 to Approx 615' North (County Maintained)
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary

 **PINAL COUNTY**
WIDE OPEN OPPORTUNITY

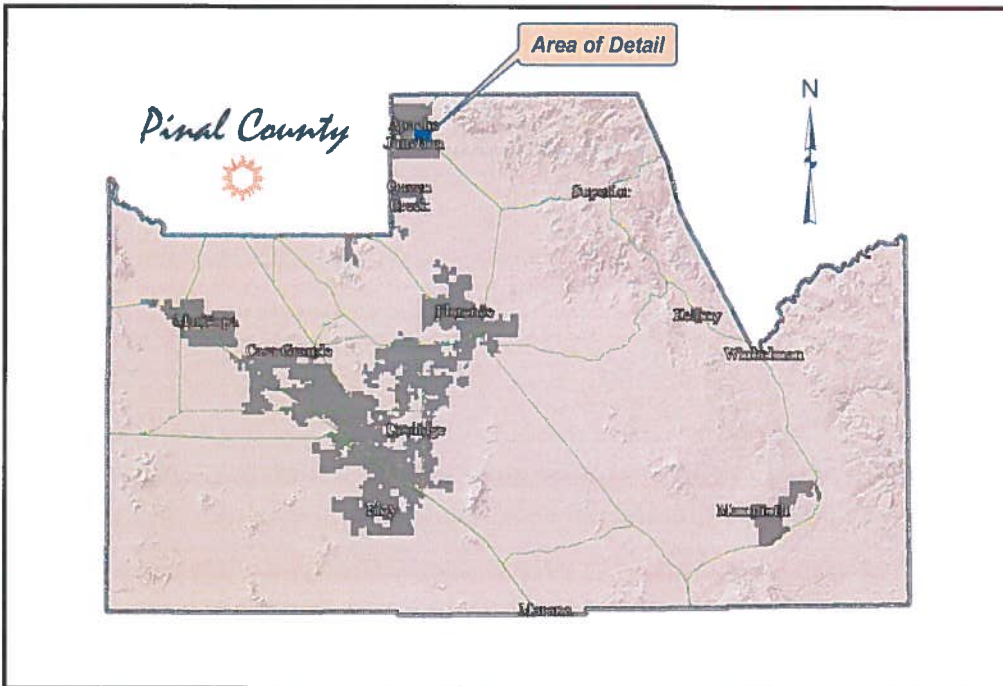
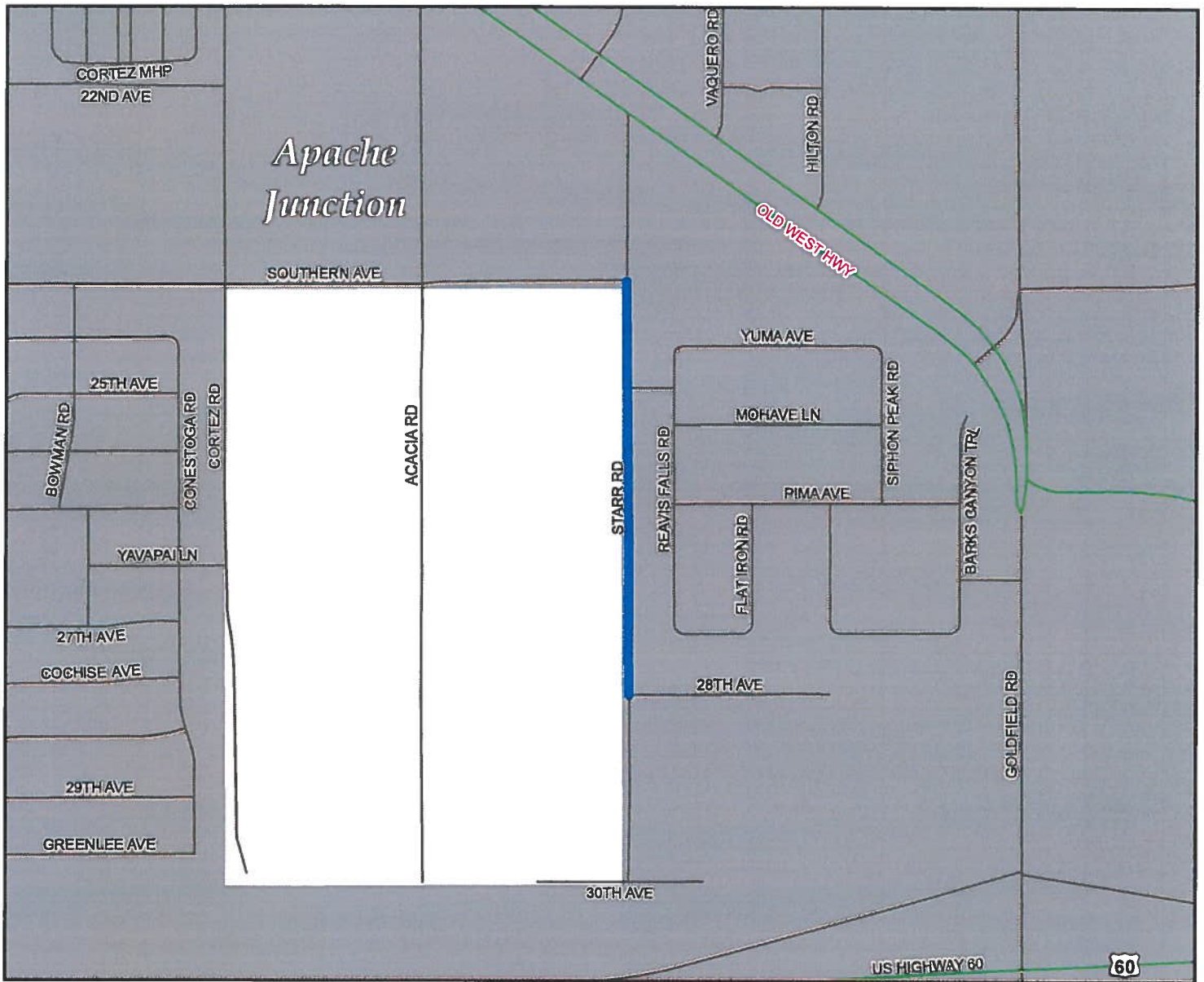






Exhibit - E City Maintained Roadway

-  Starr Rd - Southern Ave to 28th Ave
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary



PINAL COUNTY
WIDE OPEN OPPORTUNITY

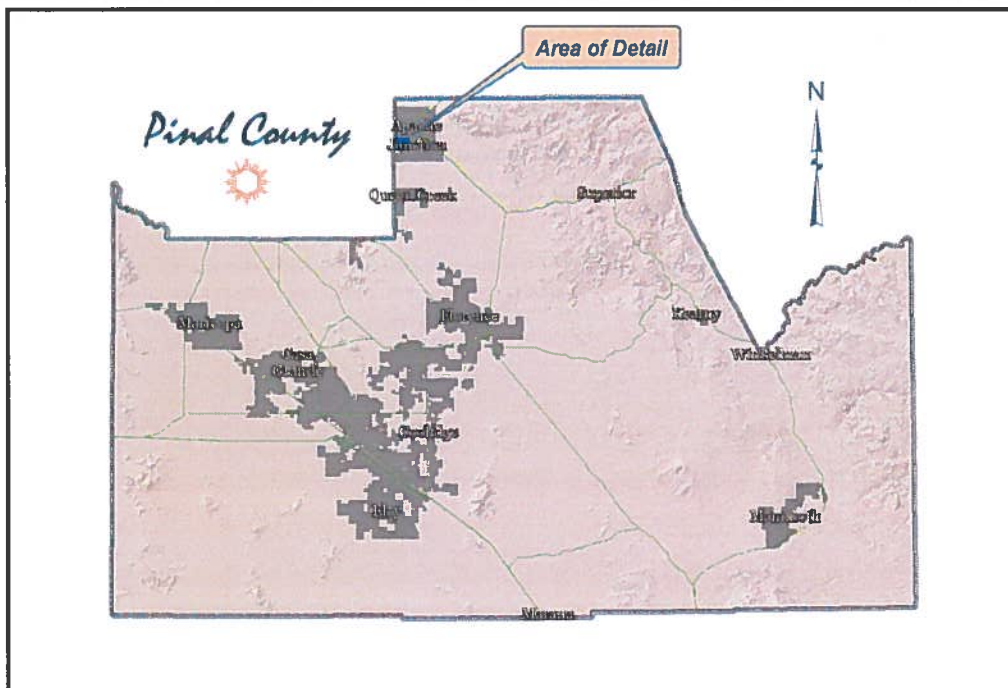







Exhibit - F City Maintained Roadway

-  36th Ave - Desert View Dr to Ironwood Dr
-  Ironwood Dr - 36th Ave to Approx 660' N.
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary



PINAL COUNTY
WIDE OPEN OPPORTUNITY

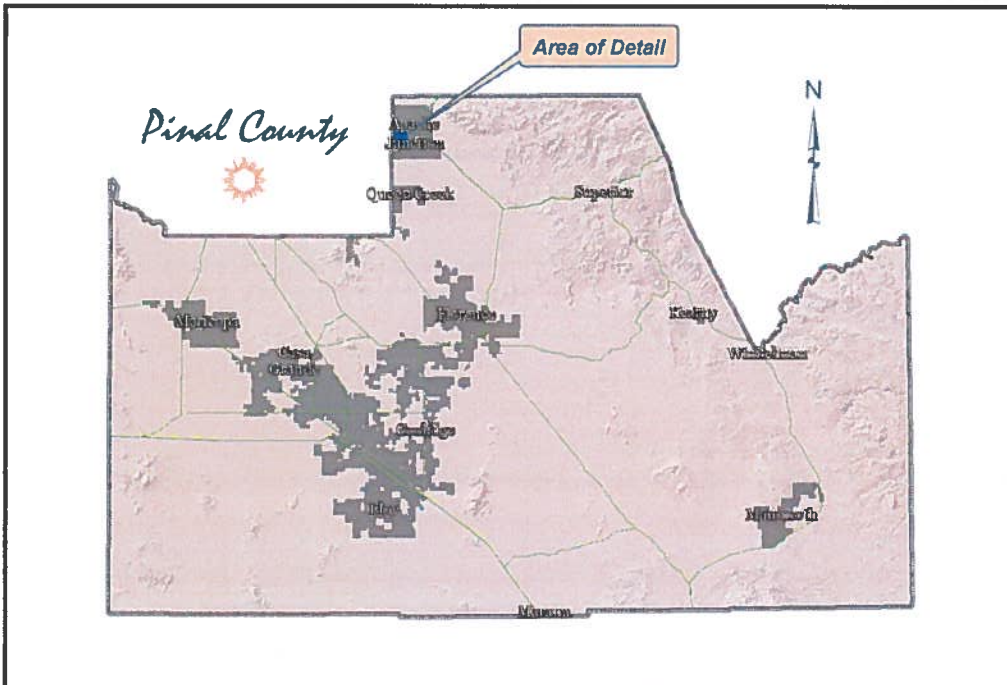
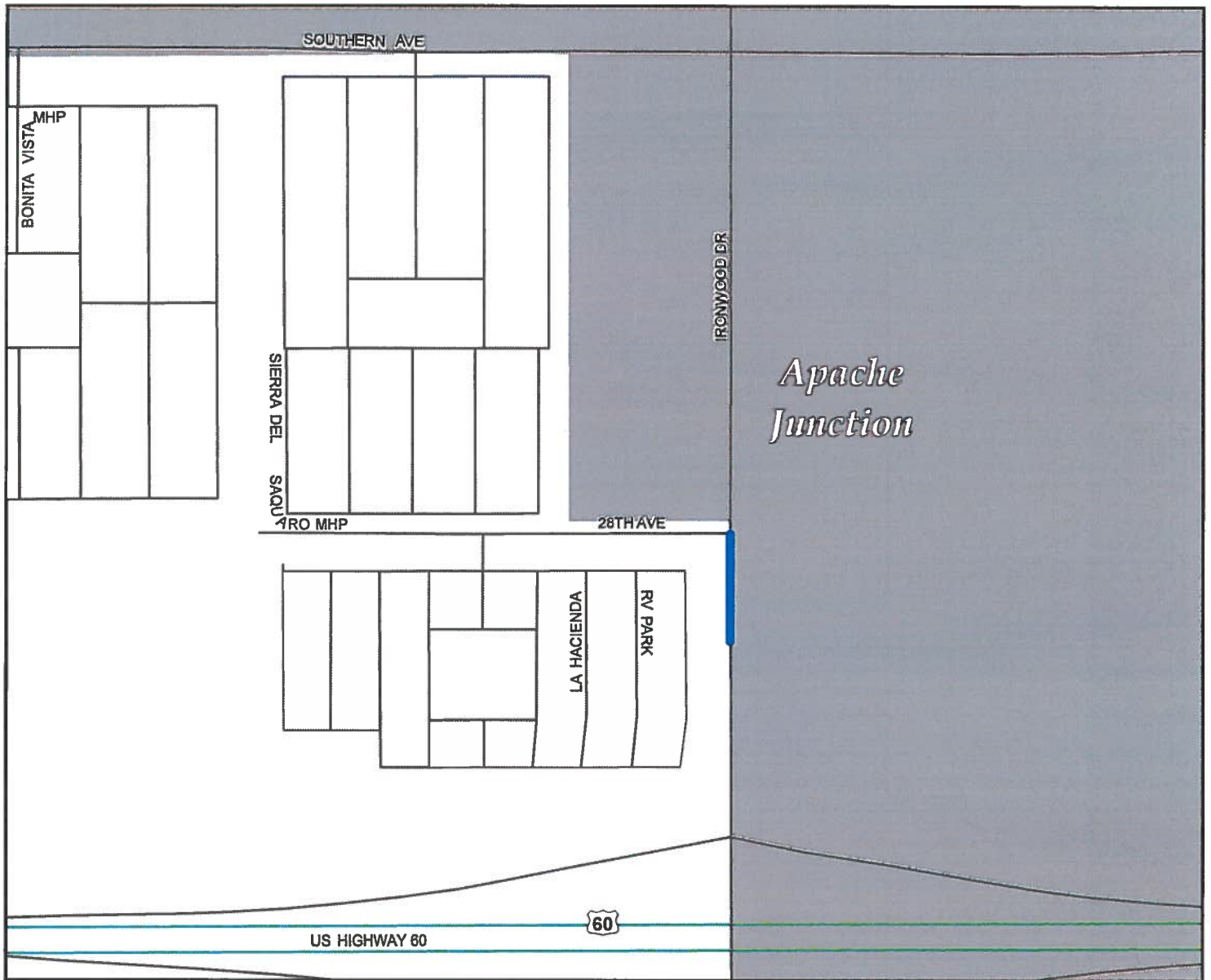






Exhibit - G City Maintained Roadway

-  Ironwood Dr - 28th Ave to Approx 300' South
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary



PINAL COUNTY
WIDE OPEN OPPORTUNITY

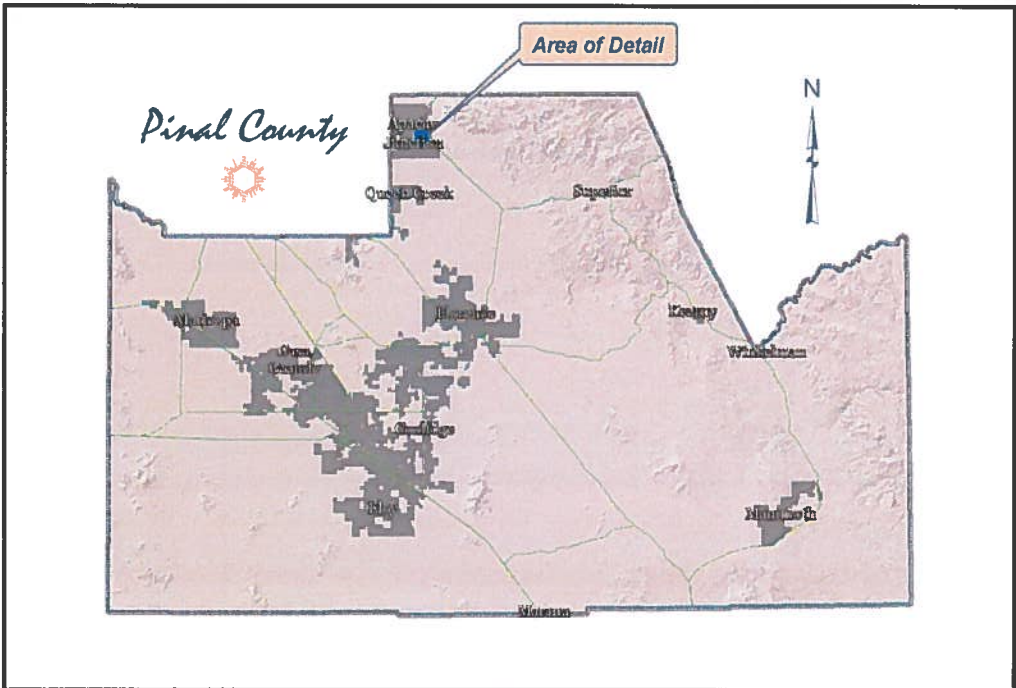
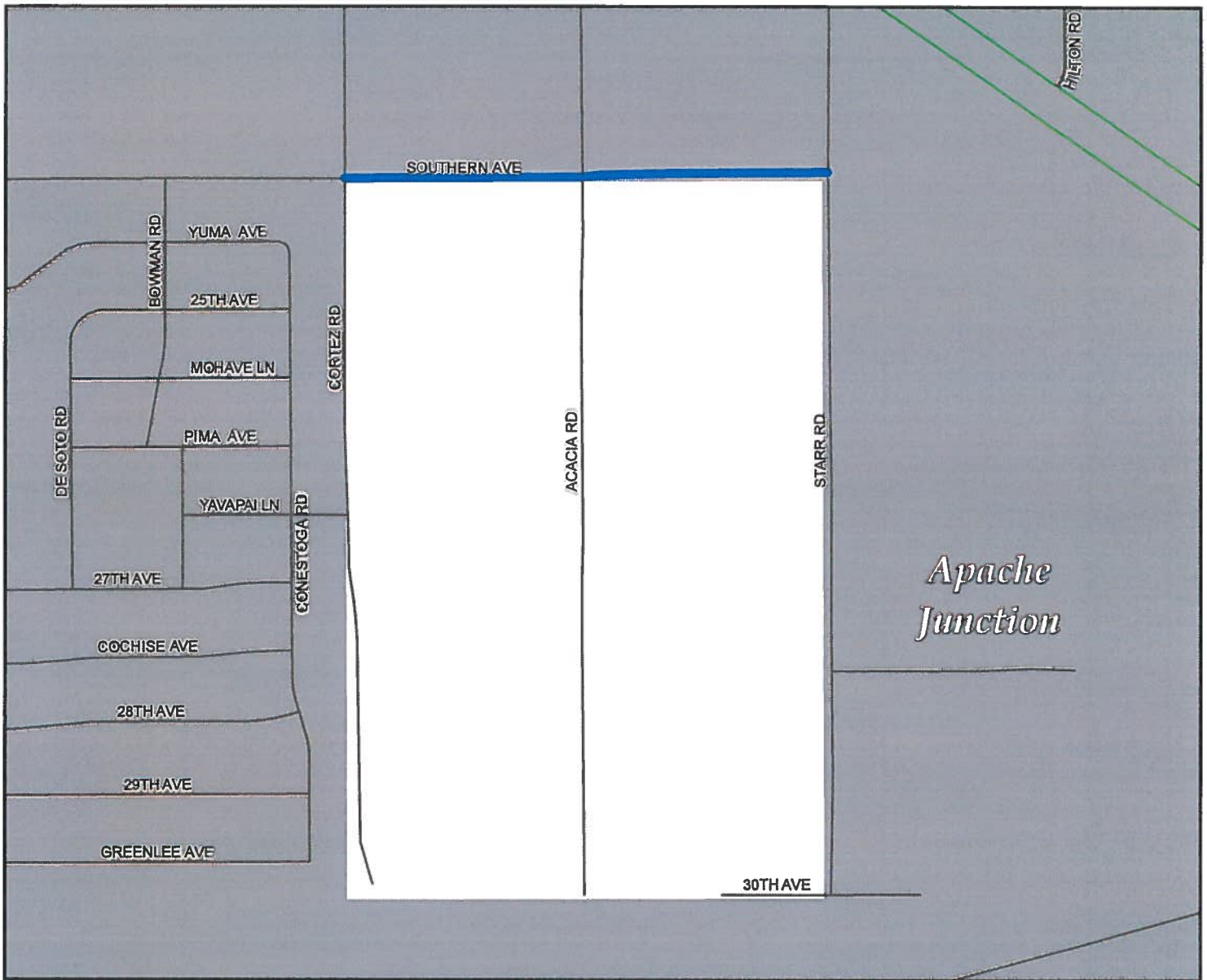






Exhibit - H **City Maintained** **Roadway**

-  Southern Ave - Cortez Rd to Starr Rd
-  Street Centerline
-  Highway / Interstate
-  City/Town Boundary

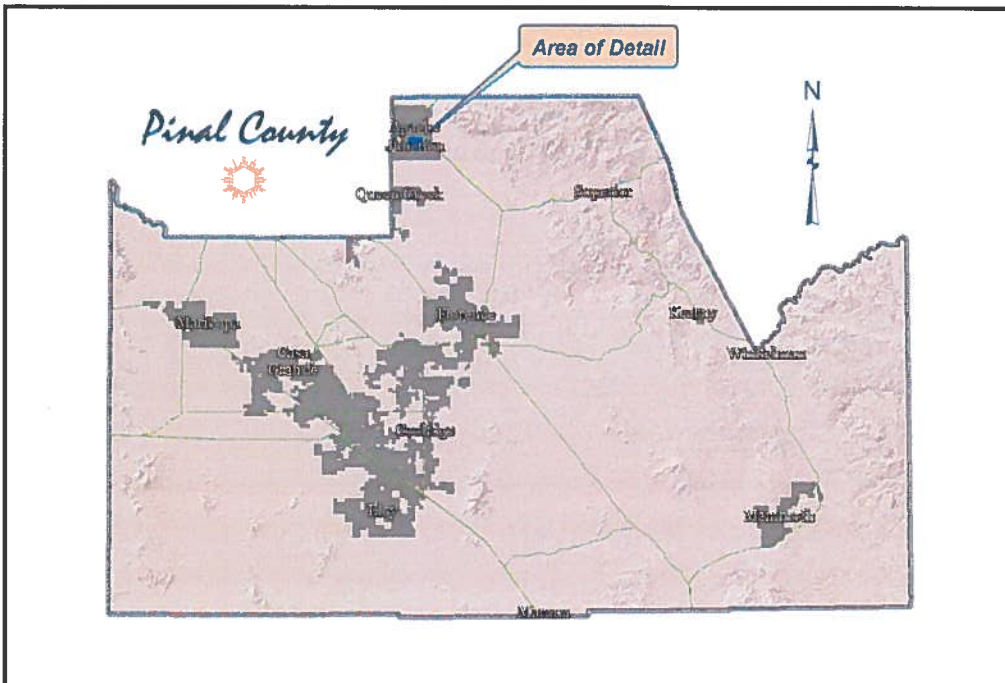
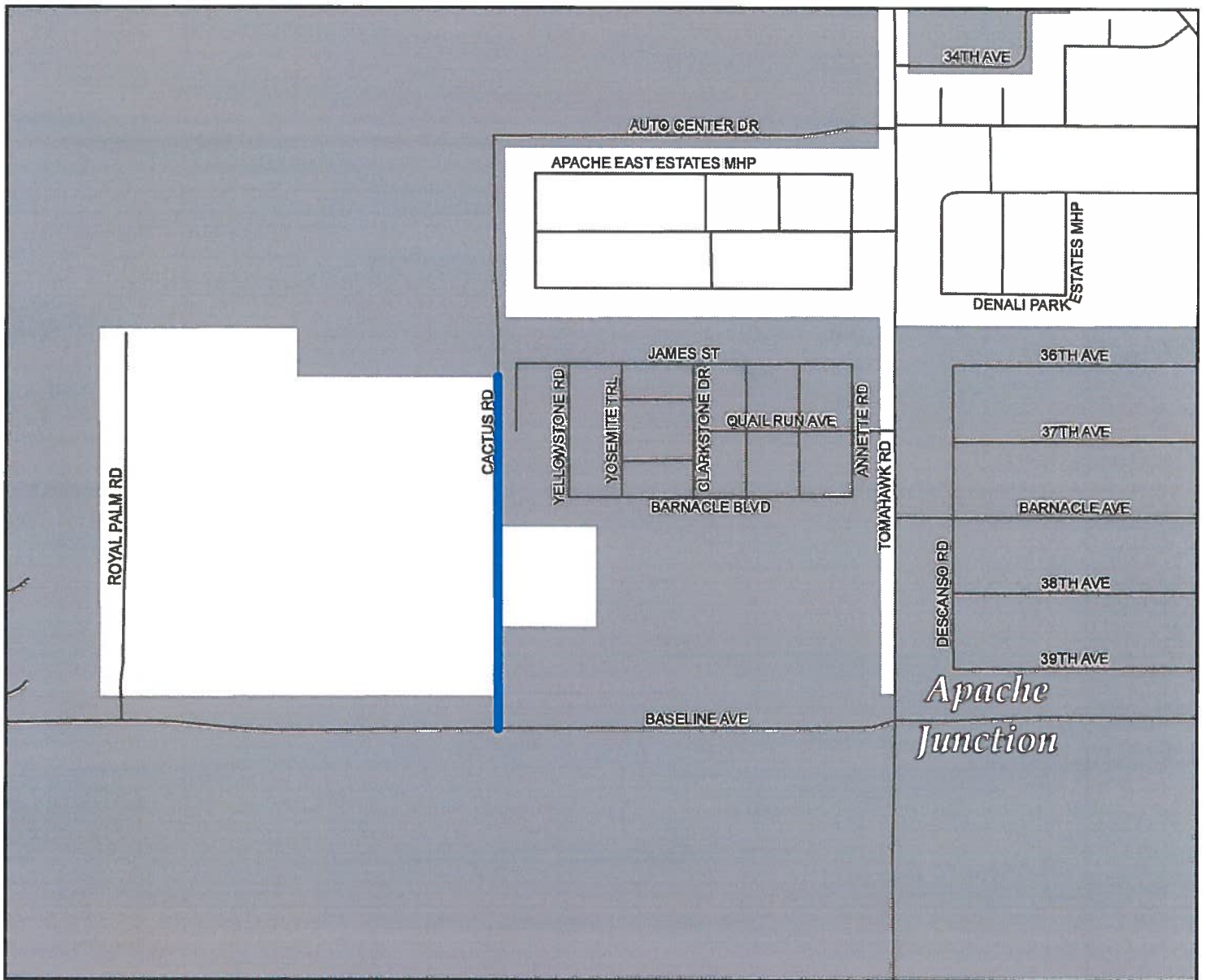


Exhibit - I City Maintained Roadway

- Cactus - Baseline Rd to 36th Ave Alignment
- Street Centerline
- City/Town Boundary

PINAL COUNTY
WIDE OPEN OPPORTUNITY

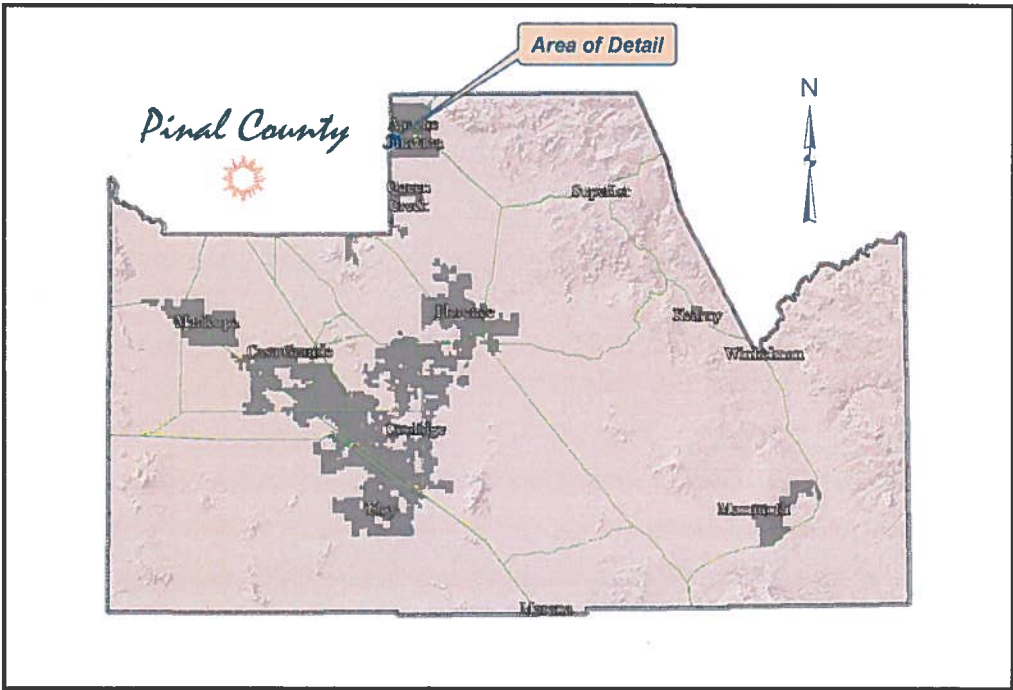
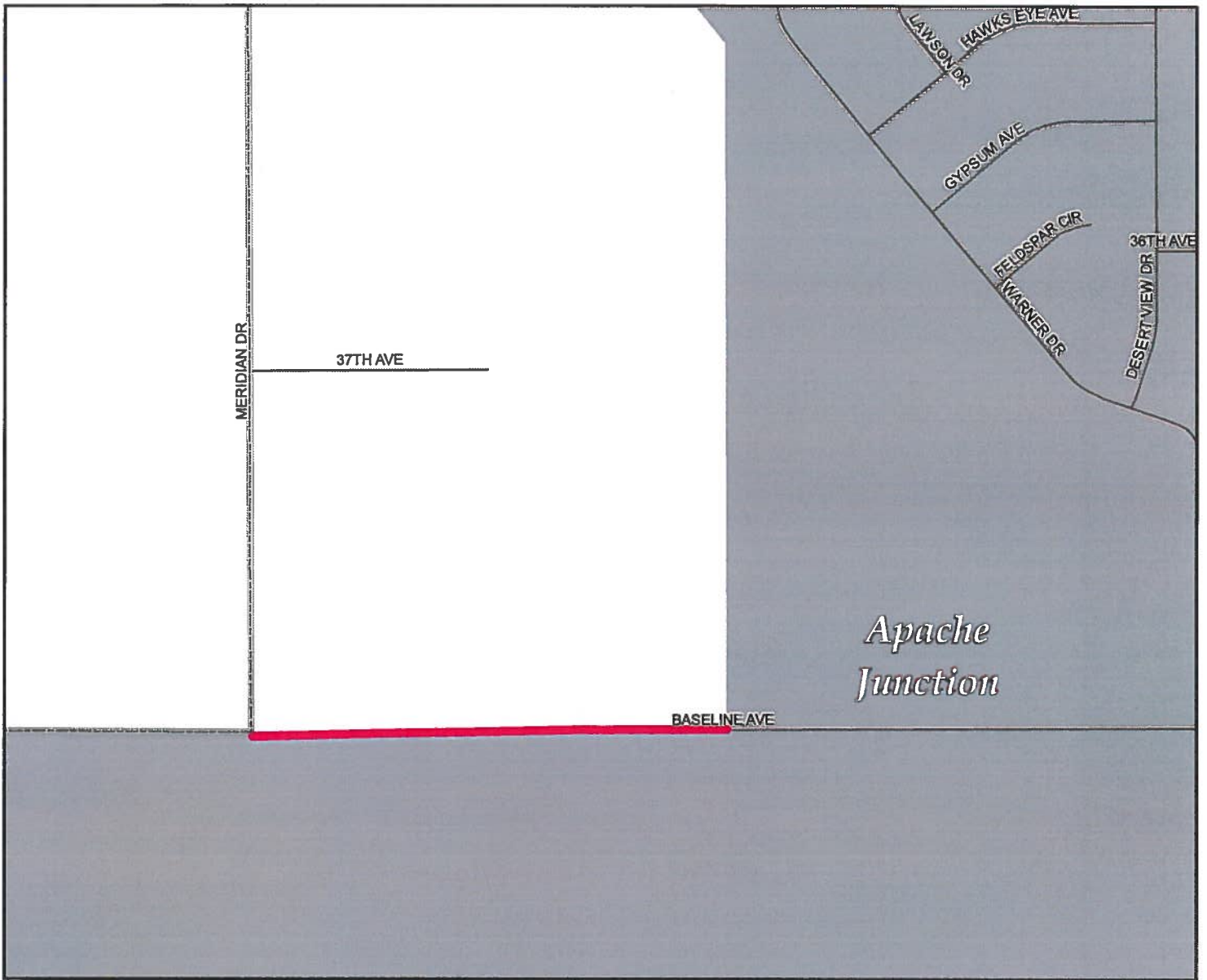





Exhibit - J **County Maintained** **Roadway**

-  Baseline Ave - Meridian Dr to City Boundary
-  Street Centerline
-  City/Town Boundary