

RESOLUTION NO. 21-35

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 SECOND 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 second 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:

 9.18.21

RICHARD J. STERN
City Attorney

Attachment A

**SECOND 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 SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ("Second 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 and as first amended on February 2, 2021 (collectively, the "Agreement").
- B) The Parties desire to further amend the Agreement by adding Exhibit K – Idaho Road, Lost Dutchman Boulevard to McKellips Road – to the list of affected roadways.

AGREEMENT

Now therefore, the Parties agree as follows:

- 1. All provisions of the Agreement are hereby incorporated by this reference into this Second Amendment. The provisions of the Agreement shall continue in full force and effect except as specifically amended by this Second Amendment.
- 2. Section 1 of the Agreement shall be revised by adding the following language and new Exhibit K:

Exhibit K – Idaho Road – Lost Dutchman Boulevard to McKellips Road

- 3. Section 5 of the Agreement shall be revised adding the following to the list of exhibits:

Exhibit K

- 4. 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
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: _____
Walter "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 Second Amendment to Intergovernmental Agreement between Pinal County and Apache Junction pursuant to A.R.S. § 11-952, and declare the Second 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.

Allen H. Quist, Deputy County Attorney

Richard J. Stern, Apache Junction City Attorney

Date

Date

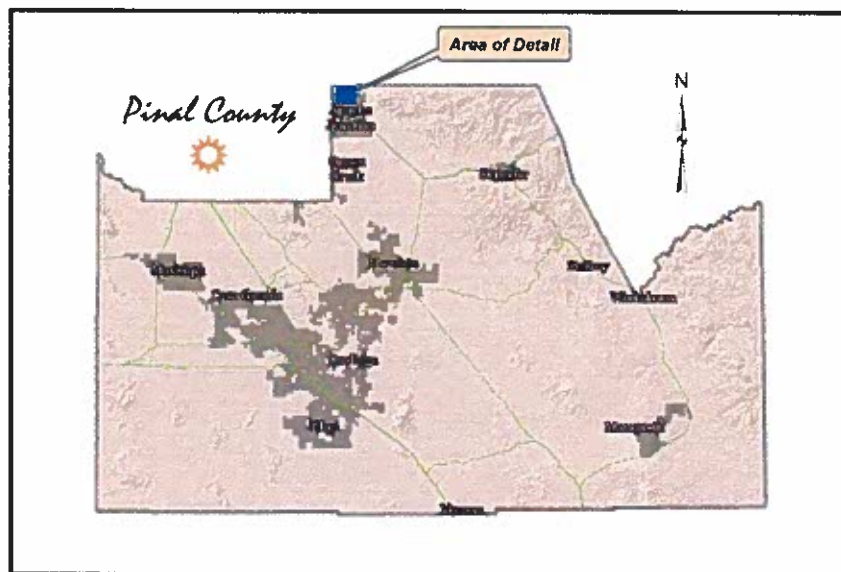
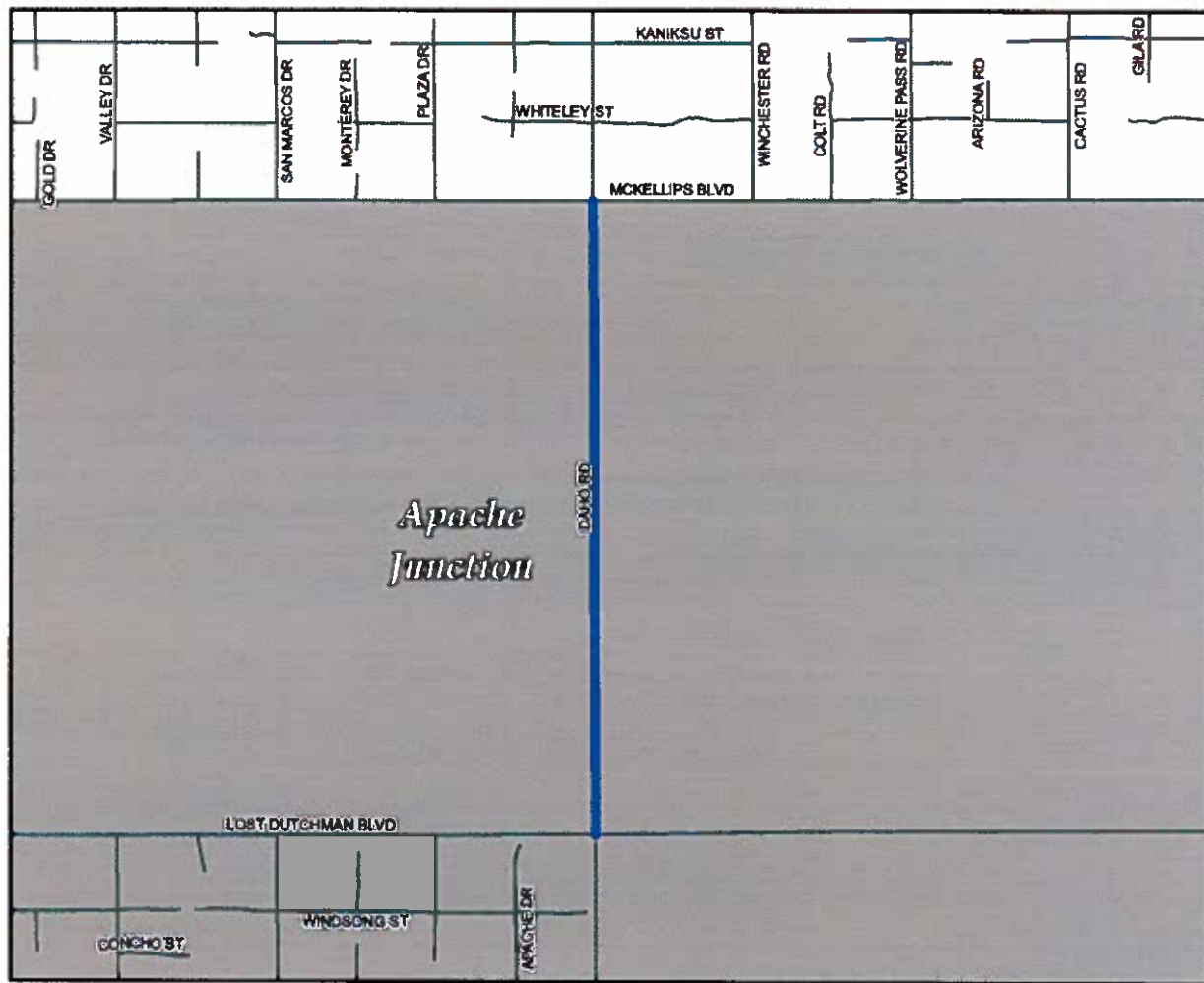






Exhibit - K
City Maintained
Roadway

 Idaho Rd - Lost Dutchman Blvd. to McKellips Rd.

 Street Centerline

 City/Town Boundary

 **PINAL COUNTY**
WHERE OPPORTUNITY MEETS