

ADOT File No.: IGA/ JPA 11-031-I
ADOT CAR No.: 13-0001011-I
Amendment No. Three: 14-0004483-I
AG Contract No.: P0012011002159
Project: PV Pipeline MUP, Phase 3
Section: Long Mesa Drive to SR 89A
Federal-aid No.: PRV-0(205)B
ADOT Project No.: SL680 01D/02D/01C
TIP/STIP No.: CY-PRV-12-03
CFDA No.: 20.205 - Highway Planning
and Construction
Budget Source Item No.: N/A

**AMENDMENT NO. THREE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF PRESCOTT VALLEY

THIS AMENDMENT NO. THREE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. Three"), entered into this date _____, 2014, pursuant to 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 PRESCOTT VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The Town and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 11-031-I, A.G. Contract No. P0012011002159, was executed on August 17th, 2011 (the "Original Agreement"), Amendment One executed on May 1st 2012 and Amendment Two was executed on December 16th 2013;

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 to enter into this Amendment No. Three and has delegated to the undersigned the authority to execute this Amendment No. Three on behalf of the State;

WHEREAS, the Town is empowered by Arizona Revised Statutes § 48-572 to enter into this Amendment No. Three and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. Three and has authorized the undersigned to execute this Amendment No. Three on behalf of the Town; and

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. Three is to increase the construction cost from \$452,200.00 to \$542,338.00 using Central Yavapai Metropolitan Planning Organization (CYMPO) funds. The Parties desire to amend the Original Agreement, as follows:

I. RECITALS**Section I. Paragraph 8 is revised, as follows:**

8. The work embraced in this Agreement is for the construction of a 4,750 LF ADA compliant new hard surfaced (asphalt), ten-foot-wide hard surfaced (asphalt) unlighted “multi-use” path. The proposed development also incorporates three rest areas and four striped crosswalks, gates, fencing, two bicycle racks, five signs, three benches, two trash containers, bollards and fencing (not identified in cost estimate), 3,500 LF of handrail, and includes development of 600 LF of culverts. The proposed development will be reseeded with a native wildflower and grass mix. Town may also incorporate local artwork into the Project, hereinafter referred to as the “Project”. The proposed development will occur within portions of the Town’s rights-of-way and also within El Paso Kinder Morgan Natural Gas interstate pipeline easements. The State shall advertise, bid and award the Project. The estimated costs are as follows:

ADOT Project No. SL680 01D/02D/01C**SL680 01D (Project Management and Design Review Fee, non Federal-aid)**

Town funds @100% (State Design Review Fee)*	\$ 5,000.00
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SL680 02D (design):

Federal-aid funds @ 94.3% (capped)	\$ 73,554.00
Town’s match @ 5.7%*	<u>\$ 4,446.00</u>
Subtotal – Design	\$ 78,000.00

SL680 02D (Project Management and Design Review Fee, Federal-aid)

Federal aid funds @ 94.3%	\$ 28,290.00
Town’s match @ 5.7%*	<u>\$ 1,710.00</u>
Subtotal-ADOT Project Management and Design Review Fee	\$ 30,000.00

SL680 01C (construction):

Federal-aid funds @ 94.3% (capped)	\$ 511,425.00
Town’s match @ 5.7%	<u>\$ 30,913.00</u>
Subtotal – Construction**	\$ 542,338.00

Total Estimated Project Cost	\$ 655,338.00
Total Estimated Town funds	\$ 42,069.00
Total Federal funds	\$ 613,269.00

*(Included in the Town’s estimated design match and review costs-already received)

** (Includes 15% CE and 5% project contingencies)

Consistent with the Original Agreement and Amendment's One and Two, the Town has already deposited with the State a total of **\$36,125.00**. The State will invoice the Town for the Town's additional construction match estimated at **\$5,944.00**. Once the Project costs have been finalized the State will either invoice or reimburse the Town for the difference between estimated and actual costs.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the Original Agreement, Amendment One and Two remain in full force and effect.

THIS AMENDMENT NO.THREE shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Amendment No. Three and that the Amendment No. Three is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. Three the day and year first above written.

TOWN OF PRESCOTT VALLEY

STATE OF ARIZONA
Department of Transportation

By _____
HARVEY SKOOG
Mayor

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
Diane Russell
Town Clerk

ADOT File No.: IGA/ JPA 11-031- I
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Amendment No. Three: 14-0004483 -I

ATTORNEY APPROVAL FORM FOR THE TOWN OF PRESCOTT VALLEY

I have reviewed the above referenced Amendment No. Three to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the Town of Prescott Valley, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. Three 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 Amendment No.Three.

DATED this _____ day of _____, 2014.

Town Attorney