



# *Resolution*

## **RESOLUTION NO. 753**

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SAN LUIS AND THE COUNTY OF YUMA FOR THE DESIGN AND CONSTRUCTION OF AVENUE E, BETWEEN COUNTY 23<sup>RD</sup> STREET (aka JUAN SANCHEZ BLVD. AND THE INTERNATIONAL PORT OF ENTRY**

An agreement between San Luis and Yuma County whereby the County will design, obtain Right-of-Way, and have constructed a two lane paved roadway between Juan Sanchez Blvd. (County 23<sup>rd</sup>) and the Port of Entry II; and

**WHEREAS**, the City of San Luis desires to enter into an Intergovernmental Agreement (IGA) with County of Yuma, Arizona for the design and construction of Avenue E, between County 23<sup>rd</sup> Street (aka Juan Sanchez Blvd.) and the International Port of Entry; and

**WHEREAS**, funds were from the Federal Aid Surface Transportation Program, plus the City's share of \$200,000.00 for the project. The project has been constructed already due to availability of funds that needed to be spent. The City agreed to move ahead with the project and pay its fair in order to take advantage of money available for the new Port of Entry, and prior to finalization of this agreement; and

**WHEREAS**, the parties to the Intergovernmental Agreement desire to enter said agreement;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the City of San Luis, State of Arizona, as follows:

Section 1: That the Intergovernmental Agreement between the City of San Luis, Arizona and the County of Yuma, attached as Exhibit "A" hereto, is hereby authorized and approved.

Section 2: That the appropriate officials and staff of the City of San Luis are hereby authorized and directed to execute said agreement and take such acts or actions as may be needed and/or necessary to effectuate the same.

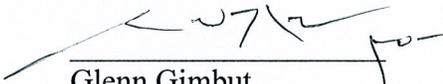
**PASSED AND ADOPTED** by the Mayor and Common Council of the City of San Luis, Arizona, this 26<sup>th</sup> day of September, 2007.

  
for Juan Carlos Escamilla, Mayor

ATTEST:

  
\_\_\_\_\_  
Sonia Cuello  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Glenn Gimbut  
City Attorney

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF SAN LUIS AND THE COUNTY OF YUMA  
FOR THE DESIGN AND CONSTRUCTION OF AVENUE E, BETWEEN COUNTY 23<sup>RD</sup>  
STREET [aka JUAN SANCHEZ BOULEVARD] AND THE INTERNATIONAL PORT OF  
ENTRY**

This Agreement is between the City of San Luis, Arizona, a municipal corporation of the State of Arizona (“City”) and the County of Yuma, a political body (“County”) pursuant to A.R.S. § 11-951 through § 11-954, as amended.

**RECITALS**

WHEREAS, The County is empowered by A.R.S. § 11-251 and § 11-951 et seq. to enter into this Agreement and the City is empowered by A.R.S. § 11-951 et seq. and the San Luis City Charter, Article III, Section 13, to enter into this Agreement; and

WHEREAS, a public need exists for a two lane, one lane in each direction, paved roadway on Avenue E from County 23<sup>rd</sup> Street [aka Juan Sanchez Boulevard] to the International Port of Entry, hereafter referred to as the “PROJECT”, within the County that is within the City limits of the City of San Luis; and

WHEREAS, the parties have agreed that the completion of said PROJECT is essential to the public safety and welfare and desire to cooperate in the completion of said PROJECT; and

WHEREAS, Federal Aid in the form of Surface Transportation Program [STP] funds to build roads is available at the discretion of the Yuma Metropolitan Planning Organization [YMPO] for the PROJECT; and

WHEREAS, it is to the mutual benefit of the City and the County to enter into an Agreement for the design and construction of the PROJECT delineated upon the map attached hereto and incorporated as Exhibit “A”. Said construction shall hereafter be referred to as “PROJECT”; and

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties agree as follows:

SECTION 1. AGREEMENT TO CONSTRUCT THE PROJECT. The County shall cause the PROJECT to be constructed in accordance with the plans and specifications prepared by the County’s Consulting Engineer and approved by the City.

SECTION 2. PROJECT ADMINISTRATION. The PROJECT is to be administered in accordance with Federal, State, City and County requirements. County will provide direction, acquire new right of way as necessary for the PROJECT, and approve all PROJECT requirements, process PROJECT documents as necessary, and administer all construction contracts. The City shall approve the PROJECT’S improvement plans.

**INTERGOVERNMENTAL AGREEMENT  
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THE INTERNATIONAL PORT OF ENTRY**

SECTION 3. PAYMENT OF COSTS FOR THE CONSTRUCTION OF THE PROJECT.

The City shall share in the construction cost of the PROJECT in the amount of two hundred thousand dollars [\$200,000.00] and reimburse the County said amount upon award.

The County shall invoice the City's share of the cost for the PROJECT.

The City shall pay the County the amount of \$200,000.00 for the roadway improvements on or before August 31, 2008.

SECTION 4. OWNERSHIP AND MAINTENANCE. Upon completion of construction, the City shall be the owner of the PROJECT and shall provide for, at its own cost, proper maintenance or replacement and appropriate annexation of the PROJECT.

SECTION 5. AUTHORIZATION. This Intergovernmental Agreement has been approved by actions taken by the governing bodies of each of the County and the City. In such respective action, the undersigned were authorized and directed to execute this Intergovernmental Agreement.

SECTION 6. CANCELLATION. To the extent applicable by provision of law, all parties acknowledge that this Intergovernmental Agreement is subject to cancellation pursuant to Section 38-511, Arizona Revised Statutes, as amended, the provisions of which are incorporated herein.

SECTION 7. RECORDING. This Intergovernmental Agreement shall become effective upon execution by the appropriate officials of each party hereto and shall be recorded in the office of the County Recorder of Yuma County, Arizona.

SECTION 8. TERMINATION. . This Intergovernmental Agreement shall terminate upon the completion of all actions necessary with regard to the PROJECT as described herein.

SECTION 9. COMPLIANCE WITH LAW. The County and the City must comply with all Federal, State and Local Laws and Ordinances applicable to its performance under this Agreement.

SECTION 10. ATTORNEY FEES AND COSTS. If either party brings an action or proceeding for failure to observe any of the terms or provisions of this Agreement, the prevailing party is entitled to reasonable attorney fees and costs.

**INTERGOVERNMENTAL AGREEMENT  
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FOR THE DESIGN AND CONSTRUCTION OF AVENUE E, BETWEEN COUNTY 23<sup>RD</sup> STREET AND  
THE INTERNATIONAL PORT OF ENTRY**

SECTION 11. SEVERABILITY. If any terms, parts, or provisions of this Agreement are for any reason invalid or unenforceable, the remaining terms, parts, or provisions are nevertheless valid and enforceable.

SECTION 11. INTEGRATION. This Agreement contains the entire agreement between the parties, and no oral or written statements, promises, or inducements made by either party or its agents not contained or specifically referred to in this Agreement is valid or binding. All modifications to this Agreement must be in writing, signed and endorsed by the parties.

SECTION 12. NO PARTNERSHIP. Nothing in this Agreement constitutes a partnership or joint venture between the parties and neither party is the principal or agent of the other.

SECTION 13. NOTICES. All notices or demands upon any party to this Agreement shall be in writing and all shall be delivered in person or sent by mail addressed as follows:

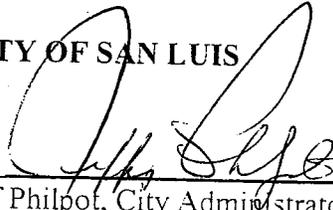
City of San Luis

Director of Public Works  
1090 E. Union Street  
Yuma, Arizona 85349

County of Yuma, Department of Development  
Services  
County Engineer  
2531 W.26<sup>th</sup> Street  
Yuma, Arizona 85364

DATED this \_\_\_\_ day of \_\_\_\_\_, 2007

**CITY OF SAN LUIS**

By   
Jeff Philpot, City Administrator

**COUNTY OF YUMA**

By \_\_\_\_\_  
Casey Prochaska, Chairman  
Board of Supervisors

ATTEST:

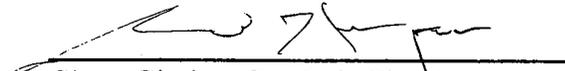
  
\_\_\_\_\_  
Sonia Sanchez, City Clerk  
duello

ATTEST:

\_\_\_\_\_  
Sue Stallworth, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENT  
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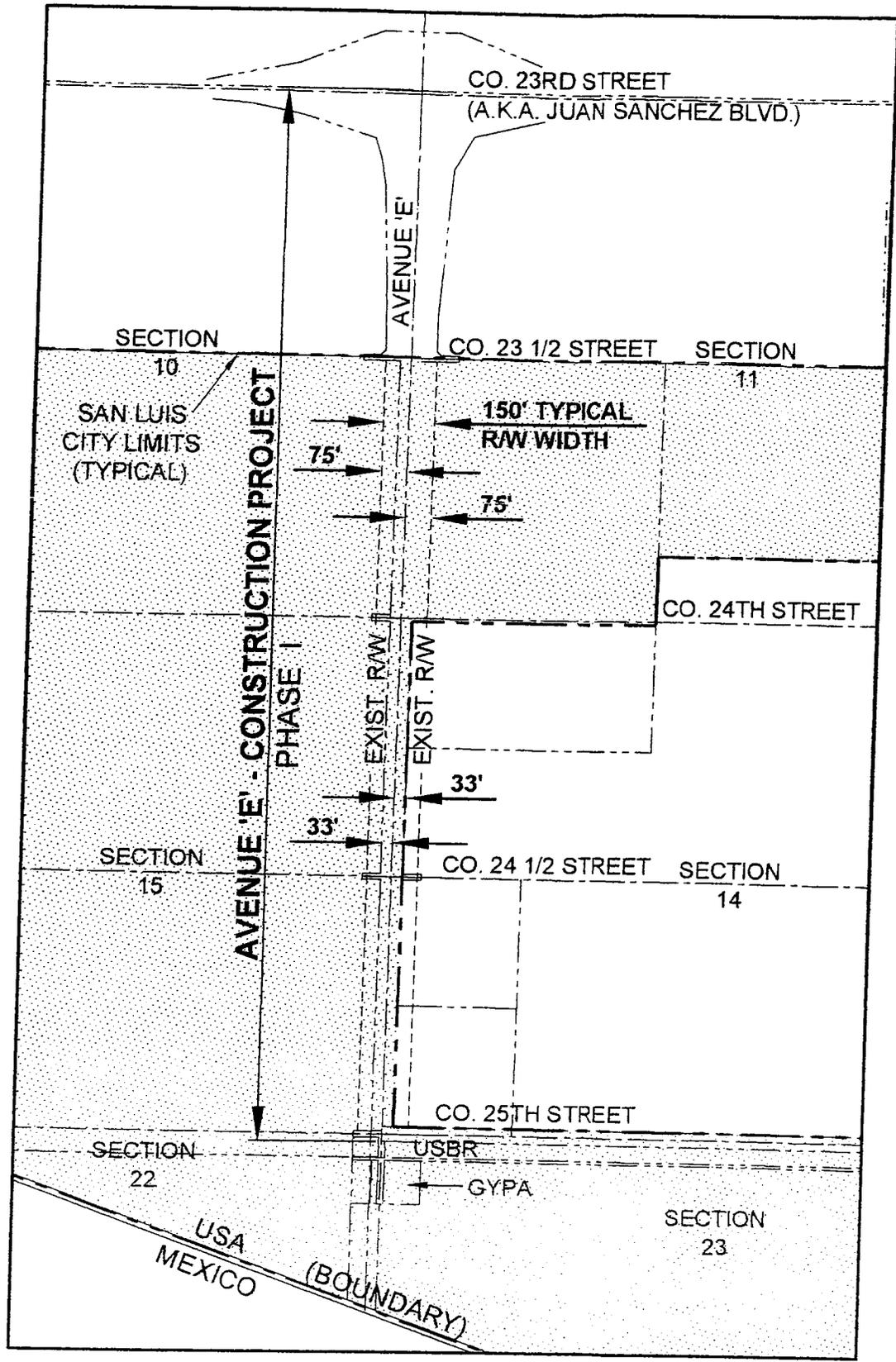
Pursuant. §11-952, the foregoing Agreement has been submitted to the undersigned City Attorney for the City of San Luis, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the San Luis City Charter, Article III, Section 13, and the laws of the State of Arizona to the City of San Luis:

  
\_\_\_\_\_  
Glenn Gimbut, San Luis City Attorney

Pursuant . §11-952, the foregoing Agreement has been submitted to the undersigned County Attorney for the County of Yuma, Arizona. The undersigned has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the County of Yuma:

\_\_\_\_\_  
Edward P. Fehely, Deputy County Attorney

EXHIBIT FOR: AVE 'E' CONSTRUCTION PROJECT / ROGER PATTERSON, COUNTY ENGINEER  
Thu, 13 Sep 2007 - 7:28am, P:\Engineering\Civil\_Draft\_Sections\CIVIL DWG\Projects\Exhibits\Ave E ROW\Ave E ROW Co23 to 26 Street.dwg



T. 11S  
R. 24W

AVE. 'E' CONSTRUCTION PROJECT - CO. 23RD ST. (JUAN SANCHEZ BLVD.) TO INT'L. PORT OF ENTRY



YUMA COUNTY DEPT. OF DEVELOPMENT SERVICES

AVENUE 'E' CONSTRUCTION PROJECT - PHASE I

EXHIBIT "A" - IGA

NOT TO SCALE

DATE: 9/12/07