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OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
Virginia Ross

When recorded, please return to:  
Clerk of the Pinal County  
Board of Supervisors  
P.O. Box 827  
Florence, AZ 85132

DATE/TIME: 11/01/2021 0927  
FEE: \$0.00  
PAGES: 7  
FEE NUMBER: 2021-138466

**RESOLUTION NO. 100621-GA19-027A**

**RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS  
APPROVING AMENDMENT NO. ONE TO INTERGOVERNMENTAL AGREEMENT  
WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO FUND  
IMPROVEMENTS TO MARSH ROAD**

**WHEREAS, WHEREAS,** the INTERGOVERNMENTAL AGREEMENT, IGA/JPA 20-0007729-I, A.G. Contract No. P0012020000915 was executed on June 19, 2020 (the "Original Agreement");

**WHEREAS,** The State through the Arizona Department of Transportation ("ADOT") and Pinal County wish to enter into an Intergovernmental Agreement ("IGA") to define each Party's rights and responsibilities relating the funding and completion of the Project; and

**WHEREAS,** The State is empowered by A.R.S. §-28-401 to enter into the IGA and has delegated to the ADOT the authority to execute this Agreement on behalf of the State; and

**WHEREAS,** the County is empowered by A.R.S. §§ 11-251, 11-952 and 28-6705 to enter into the IGA; and


THEREFORE:

**BE IT RESOLVED,** that the PINAL BOARD OF SUPERVISORS accepts and approves the Intergovernmental Agreement with the Arizona Department of Transportation to fund improvements to Marsh Road in Pinal County attached hereto as Exhibit A

**BE IT FURTHER RESOLVED** the Chairman of the Board of Supervisors is authorized to execute the Intergovernmental Agreement on behalf of Pinal County.


**PASSED AND ADOPTED** this 6th day of October 2021, by the PINAL COUNTY BOARD OF SUPERVISORS.

ATTEST:

  
Clerk of the Board



  
Chairperson of the Board

APPROVED AS TO FORM:  
  
Kevin S. Costello-Pinal County Deputy Attorney

ADOT File No.: IGA 20-0007729-I  
Amendment No. One: 21-0008105-I  
AG Contract No.: P0012020000915  
Project Location/Name: Marsh Rd;  
Russell Rd to Midway Rd. Russell Rd from  
Marsh Rd to Arica Rd  
Type of Work: Pave Dirt Road and  
Construct Paved Road  
Federal-aid No.: PPN-0(223)T  
ADOT Project No.: T0250 01D/03D/01C  
TIP/STIP No.: PNL20-000D/PNL25-  
000C/PLN23-001C  
CFDA No.: 20.205 - Highway Planning and  
Construction  
Budget Source Item No.: N/A

**AMENDMENT NO. ONE  
TO  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
PINAL COUNTY**

**THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"),** is entered into this date October 15, 2021, pursuant to Arizona Revised Statutes ("A.R.S.") §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the PINAL COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the "County"). The State and the County are collectively referred to as the "Parties."

**WHEREAS,** the INTERGOVERNMENTAL AGREEMENT, IGA/JPA 20-0007729-I, A.G. Contract No. P0012020000915 was executed on June 19, 2020, (the "Original Agreement");

**WHEREAS,** the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

**WHEREAS,** the County is empowered by A.R.S. § 11-251 to enter into this Amendment No. One and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the County; and

**NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to reduce the Project limits, from approximately 2.75 miles in length to one mile and to revise the Project costs. The Parties desire to amend the Original Agreement as follows:**

**I. RECITALS**

**Section I, Paragraph 3 is replaced, as follows:**

3. The State will administer the design; bid, award, and administer the construction associated with the paving, signing, and striping of Marsh Road, from Midway Road to Indian Valley Road, the "Project".

**II. SCOPE OF WORK**

**Section II, Paragraph 2.e., is revised as follows:**

2. The State will:
  - e. After completion of design and prior to bid advertisement, invoice the County for the actual PDA costs, as applicable, and the County's share of the Project construction costs, estimated at \$62,307.00. After the Project costs for construction are finalized, the State will either invoice or reimburse the County for the difference between estimated and actual costs. De-obligate or otherwise release any remaining federal funds from the scoping/design phase of the Project.

**Section II, Paragraph 3.e., is revised as follows:**

3. The County will:
  - e. After completion of design, within 30 days of receipt of an invoice from the State and prior to bid advertisement, pay to the State, any outstanding PDA costs and the County's share of the Project construction costs, estimated at \$62,307.00. Be responsible for and pay the difference between the estimated and actual construction costs of the Project, within 30 days of receipt of an invoice.

**III. MISCELLANEOUS PROVISIONS**

**(NO CHANGES)**

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

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

**IN ACCORDANCE WITH** A.R.S. § 11-952 (D) attached and incorporated in this Amendment No. One is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

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

**PINAL COUNTY**

**STATE OF ARIZONA**

Department of Transportation

DocuSigned by:  
*Stephen Q. Miller* Date **10/15/2021**  
By DA9D290D2BDE4F9...  
**STEPHEN Q. MILLER**  
Chairman of the Board

DocuSigned by:  
*Steve Boschen* Date **10/15/2021**  
By 208F28BDDCBE472...  
**STEVE BOSCHEN, PE**  
Division Director

**ATTEST:**

DocuSigned by:  
*Natasha Kennedy* Date **10/15/2021**  
By 0582DE13079040B...  
**NATASHA KENNEDY**  
Clerk of the Board

**ATTORNEY APPROVAL FORM FOR THE PINAL COUNTY**

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the PINAL COUNTY, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the County 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. One.

DocuSigned by:  
*Kevin Costello*  
B8CC9E0034024E0...  
County Attorney

**10/6/2021**

Date

# EXHIBIT A

## IGA 20-0007729-I AMEND ONE 21-0008105 Cost Estimate

**T0250 01D/03D/01C**

The federal funds will be used for the design and construction of the Project, including the construction engineering (CE) and administration cost. The estimated Project costs are as follows:

**ADOT Project Development Administration (PDA) Cost:**

County @ 100% \$ 30,000.00

**Design:**

Federal-aid funds @ 94.3% \$ 527,156.00  
County's match @ 5.7% \$ 31,864.00

**Subtotal -Design/PDA \$ 589,020.00**

**Construction:**

Federal-aid funds @ 94.3% \$ 1,030,800.00  
County's match @ 5.7% \$ 62,307.00

**Subtotal - Construction\* \$ 1,093,107.00**

**Estimated TOTAL Project Cost \$ 1,682,127.00**

**Total Estimated County Funds \$ 124,171.00**

**Total Federal Funds \$ 1,557,956.00**

\* (Includes 15% CE (this percentage is subject to change, any change will require concurrence from the County) and 5% Project contingencies)

**Consistent with the Original Agreement, the County has been invoiced for PDA and design costs and has paid \$61,864.00.**



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
STATE GOVERNMENT DIVISION /  
TRANSPORTATION SECTION

DAWN NORTHUP  
DIVISION CHIEF COUNSEL  
Eli D. Golob  
ASSISTANT ATTORNEY GENERAL  
DIRECT LINE: 602-542-8842  
E-MAIL: ELI.GOLOB@AZAG.GOV

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. P0012020000915 (ADOT IGA/JPA 20-0007729-I Amendment No. One: 21-0008105-I), an Agreement between public agencies, the State of Arizona and Pinal County, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and 28-401, by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: October 15, 2021

MARK BRNOVICH  
Attorney General

/s/ Eli D. Golob  
ELI D. GOLOB  
Assistant Attorney General  
Transportation Section

EDG/sp/9909598