

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: LLW
DEPUTY RECORDER
1956 PE-2



DOCKET: 13607
PAGE: 570
NO. OF PAGES: 11
SEQUENCE: 20091420150
RES 07/24/2009 14:44
PICKUP
AMOUNT PAID \$ 10.00

RTAUT
REGIONAL TRANSPORTATION AUTHORITY
PICK UP
TUCSON AZ 85701

RESOLUTION No. 2009-44

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY ADOPTING AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TUCSON FOR DESIGN AND CONSTRUCTION OF GRANT ROAD, ORACLE TO SWAN (RTA #18) OF A TRANSPORTATION IMPROVEMENT PROJECT

WHEREAS, the Regional Transportation Authority of Pima County (the "RTA") is an Arizona special taxing district, duly formed and existing, pursuant to A.R.S. 48-5302, et seq., for the purposes of coordinating multi-jurisdictional cooperation in transportation planning, improvements and fund-raising as a municipal corporation through taxation and bonding, with the public's input and voter approval; and

WHEREAS, the City of Tucson (the "Lead Agency") is a body politic and corporate of the State of Arizona; and

WHEREAS, pursuant to A.R.S. 48-5309 (A), the RTA adopted, and the voters approved, a twenty-year, comprehensive, multi-modal regional transportation plan (the "Plan"); and

WHEREAS, The RTA and Lead Agency have entered into an intergovernmental agreement for the Design and Construction of Grant Road, Oracle to Swan (RTA #18), recorded docket number 12994, pursuant to A.R.S 11-952; and

WHEREAS, the Lead Agency and the RTA wish to cooperate in the Design and Construction of Grant Road, Oracle to Swan (RTA #18) ("the Project"); and

WHEREAS, the Project is one of the transportation improvement projects included in the Plan or is eligible for funding as part of a categorical program included in the Plan; and

WHEREAS, pursuant to A.R.S. 48-5304 (18), the RTA has the authority to enter into agreements to exercise its powers and carry out its responsibilities; and

WHEREAS, staff from the RTA and the Lead Agency have drafted an amendment to intergovernmental agreement, attached hereto as Exhibit A and incorporated herein by this reference (the "amendment"); and

EXHIBIT A
[Amendment to Intergovernmental Agreement]

2009-04-22 10:00 AM

CITY OF TUCSON

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT RECORDED
IN DOCKET. 12994, PAGE 2533**

Resolution 20567, 01-23-07, City of Tucson Contract 0264-07

PROJECT: RTA Project 18 — Grant Road: Oracle Road to Swan Road

TIP Number 55.06

PARTIES: City of Tucson and Regional Transportation Authority

AMENDMENT NO. 3

ORIGINAL TERM: <u>February 16, 2007</u>	ORIGINAL AMOUNT:	\$ 1,467,000
CURRENT TERMINATION DATE: <u>Not specified</u>	PRIOR AMENDED AMOUNT	\$10,200,000
AMENDED TERMINATION DATE: <u>Not Applicable</u>	AMOUNT THIS AMENDMENT	\$ 7,000,000
	NEW AMENDED TOTAL	\$17,200,000

AMENDMENT NUMBER 3

WHEREAS, the Regional Transportation Authority of Pima County (RTA) has entered into an Intergovernmental Agreement (IGA Number 12994-2533) with the City of Tucson to provide transportation improvements to Grant Road: Oracle Road to Swan Road; and

WHEREAS, the original IGA funding amount was \$1,467,000 for planning and preliminary design phase; and

WHEREAS, Amendment No. 1, as Resolution 20920, dated 04-08-08, increased the total amount of the Agreement to provide \$3,733,000 in additional RTA funding associated with planning and preliminary design; and

WHEREAS, Amendment No. 2, as Resolution 21230, dated 03-03-09, increased the total amount of the Agreement to provide \$5,000,000 in additional RTA funding to move the project into the final phase of planning and the first phase of design; and advance right-of-way acquisition; and

WHEREAS, the parties wish to increase the total amount of the Agreement to provide \$7,000,000 in additional RTA funding to accelerate right of way acquisition.

NOW, THEREFORE, the Agreement is amended as follows:

CHANGES: Exhibit D attached hereto and incorporated herein by reference increases RTA funding for the design of the Grant Road: Oracle Road to Swan Road Project

From: "... \$10,200,000"

To: "...\$17,200,000"

The effective date of this Amendment shall be 08-05-09. All other provisions not specifically changed by this Amendment shall remain in full force and effect.

City Clerk File Note: Amendment 3, Exhibit A Page 1 of 2
to Resolution No. 21342 does not include Exhibit A, as Exhibit A was already passed and adopted by Resolution No. 20567 on January 23, 2007, and does not include Exhibit B, as Exhibit B was already passed and adopted by Resolution No. 20920 on April 8, 2008, and does not include Exhibit C, as Exhibit C was already passed and adopted by Resolution No. 21230 on March 3, 2009.
RWR:CF:dp 06/30/09

EX A TO RESOLUTION NO. 21342
CITY OF TUCSON CONTRACT NO. 0264-07

In Witness Whereof, the Regional Transportation Authority of Pima County has caused this Amendment to be executed by its Chair of the Board and attested by the Executive Director, and the City of Tucson has caused this Amendment to the Agreement to be executed by the Mayor of the City of Tucson and attested by its City Clerk.

REGIONAL TRANSPORTATION AUTHORITY

Ed Honea
Ed Honea, Chair of the Board

7-23-09
Date

ATTEST: [Signature]
Gary G. Hayes, Executive Director

7/24/09
Date

CITY OF TUCSON
[Signature]
Robert E. [Signature], Mayor **PRO-TEMPORE**

July 7, 2009
Date

ATTEST: [Signature]
City Clerk

July 7, 2009
Date

ATTORNEY CERTIFICATION

The foregoing Amendment to the Agreement by and between the Regional Transportation Authority of Pima County and the City of Tucson has been reviewed pursuant to A.R.S. 11-952 by the undersigned who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the undersigned.

Regional Transportation Authority of Pima County

[Signature]
Thomas Benavidez, Attorney for the Authority

7-24-09
Date

City of Tucson
[Signature]
City Attorney

6-25-09
Date

Regional Transportation Authority of Pima County

Exhibit D to Exhibit A to Resolution No. 21342

1 RTA Ballot/Project Number: RTA 18 - Grant Road
2 RTA Plan Element: Roadway Improvement Element
3 RTA Plan Sub-Element (if applicable):
4 TIP Project Number: 55.06

5 Project Name: Grant Road - Oracle to Swan

6 Work Phase Covered by this Exhibit: (check all that apply)
Planning []
Design []
Right of Way [X]
Construction []
Project Management [X]
Environmental/Other [X]

7 Project Manager Information (person responsible for status reports):
Name: Melissa Antol
Mailing Address: 201 N. Stone Ave, 4th Floor, Tucson, AZ 85701
Telephone Number: 791-4371
Fax. Number: 791-4239
Email Address: melissa.antol@tucsonaz.gov

8 Authorized Representative(s) (for signing & submitting pay requests):
Name: Roy Cuaron
Mailing Address: 201 N. Stone Ave, 6th Floor, Tucson, AZ 85701
Telephone Number: 791-4371

9 Map of Project Limits No

10 Narrative Description of Project Scope, including improvements to be made and project intent (discuss how project will address problematic areas):
This funding will allow for the start of right-of-way acquisition along the Grant Road Corridor. In anticipation of proceeding with improvements to one of the major intersections as a demonstration project of the indirect left turn concept, it will be beneficial to accelerate the right-of-way acquisition such that it can occur simultaneously with the design effort. Also, there are other properties along the corridor that are becoming available for purchase and lie within the approved alignment. This funding will allow staff to pursue acquisition of those properties as well. Advance acquisition will also facilitate phased construction along the corridor.

**Regional Transportation Authority of Pima County
Exhibit D**

11	Maximum RTA Project Funding Amount	<u>\$160,850,000</u>			
12	Current RTA Funding Request (this exhibit)	<u>\$7,000,000</u>			
13	Total Amount of Previous RTA Pay Requests	<u>\$10,200,000</u>			
14	RTA Funding Remaining	<u>\$143,650,000</u>			
15	Project Budget (this exhibit only):	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">In-House</td></tr></table>	In-House	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Outsourced</td></tr></table>	Outsourced
In-House					
Outsourced					
		<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Total</td></tr></table>	Total		
Total					
	Planning		\$0		
	Design		\$0		
	Right of Way	\$6,400,000	\$6,400,000		
	Construction		\$0		
	Project Management	\$500,000	\$500,000		
	Environmental/Other	\$100,000	\$100,000		
	Total Project Budget (this exhibit only):		<u><u>\$7,000,000</u></u>		
16	Project Budget by Funding Source (this exhibit only)	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">RTA</td></tr></table>	RTA	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Non-RTA</td></tr></table>	Non-RTA
RTA					
Non-RTA					
		<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Total</td></tr></table>	Total		
Total					
	Planning		\$0		
	Design		\$0		
	Right of Way	\$6,400,000	\$6,400,000		
	Construction		\$0		
	Project Management	\$500,000	\$500,000		
	Environmental/Other	\$100,000	\$100,000		
	Total Project Funding (must equal no. 15)	<u><u>\$7,000,000</u></u>	<u><u>\$0</u></u>		
17	Total Project Funding Sources (this exhibit only)		<u><u>\$7,000,000</u></u>		
	RTA		<u><u>\$7,000,000</u></u>		
	STP		<u><u> </u></u>		
	12.6 Funds		<u><u> </u></u>		
	2.4 Funds		<u><u> </u></u>		
	Impact Fees		<u><u> </u></u>		
	Bond Funds		<u><u> </u></u>		
	General Fund		<u><u> </u></u>		
	Other		<u><u> </u></u>		
	Total Funding Sources (must equal no. 16):		<u><u>\$7,000,000</u></u>		
18	Total Project Budget by Funding Source	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">RTA</td></tr></table>	RTA	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Non-RTA</td></tr></table>	Non-RTA
RTA					
Non-RTA					
		<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="padding: 2px;">Total</td></tr></table>	Total		
Total					
	Planning	\$3,350,000	\$3,350,000		
	Design	\$2,215,000	\$2,215,000		
	Right of Way	\$300,000	\$300,000		
	Construction	\$103,194,000	\$109,194,000		
	Project Management	\$41,791,000	\$41,791,000		
	Environmental/Other	\$10,000,000	\$10,000,000		
	Total Project Funding	<u><u>\$160,850,000</u></u>	<u><u>\$6,000,000</u></u>		

APR 2014

Adopted July 7, 2009 without the emergency clause. Additionally, due to a delay in signatures, the effective date is August 9, 2009 in accordance with Ch. IX Sec. 8 of the Tucson City Charter.

ADOPTED BY THE
MAYOR AND COUNCIL

July 7, 2009

RESOLUTION NO. 21342

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND AUTHORIZING AMENDMENT NO. 3 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TUCSON AND THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY (RTA) FOR IMPROVEMENTS TO GRANT ROAD: ORACLE ROAD TO SWAN ROAD; ~~AND DECLARING AN EMERGENCY.~~

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Amendment No. 3 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Grant Road: Oracle Road to Swan Road, attached hereto as Exhibit "A," is approved.

SECTION 2. The Mayor is hereby authorized and directed to execute Amendment No. 3 to the Intergovernmental Agreement for and on behalf of the City of Tucson and the City Clerk is directed to attest the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

~~SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this resolution become immediately~~

Certificate of Clerk
● *City of Tucson* ●

State of Arizona
County of Pima } *ss*

I, Roger W. Randolph, the City Clerk of the City of Tucson, Arizona, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21342 which was passed and adopted by the Mayor and Council of the City of Tucson, Arizona, at a meeting held on July 7, 2009, at which a quorum was present.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the City of Tucson, Arizona on July 13, 2009.

Total of 2 pages
(Exhibits not included)



City Clerk

11/13/09 10:00 AM