

ADOT File No.: IGA/ JPA 11-097-I  
ADOT CAR No.: 13-000960-I  
Amendment No. Three: 13-0003963-I  
AG Contract No.: P0012011001475  
Project: HSIP (Safety) Construction  
Section: Bike lanes on both sides of  
Beulah Boulevard  
Federal-aid No.: FLA-0A(206)A  
ADOT Project No.: SH508 01C  
TIP/STIP No.: FMPO 161105  
CFDA No.: 20.205 - Highway Planning  
and Construction  
Budget Source Item No.: FY 2014

**AMENDMENT NO. THREE  
TO  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF FLAGSTAFF

**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 CITY OF FLAGSTAFF, acting by and through its MAYOR and CITY COUNCIL (the "City"). The City and State are collectively referred to as the "Parties."

**WHEREAS**, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 11-097-I, A.G. Contract No. P001 2011001475, was executed on June 14<sup>th</sup>, 2011, Amendment No. One executed on June 11, 2012 and Amendment No. Two executed June 3<sup>rd</sup> 2013, (the "Original Agreement");

**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 State is empowered by Arizona Revised Statutes § 28-401 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 City; and

**NOW THEREFORE**, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. Three is to provide additional funding for the construction phase from the Highway Safety Improvement Program (HSIP) for the Project. The Parties desire to amend the Original Agreement, as follows:

---

**I. RECITALS**

**Section I. Paragraph 7 the construction costs are revised, as follows:**

SH508 01C (construction):

Federal-aid funds @ 94.3%	\$ 165,025.00	<del>441,450.00</del>
City's match @ 5.7%	<u>\$ 9,975.00</u>	<del>8,550.00</del>
Subtotal – Construction	\$ 175,000.00	<del>450,000.00</del>
Total Federal Funds for Construction	\$ 165,025.00	
Total City Funds for Construction	<u>\$ 9,975.00</u>	
Total Estimate Construction Project Cost	\$ 175,000.00	

Under the terms of the original Agreement and Amendment One, the State has received payment from the City for the City's construction match in the amount of \$8,550.00. Upon execution of Amendment No. Three, the State will invoice the City for the City's additional Project construction costs, currently estimated at \$1,425.00. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual Project construction costs.

**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the Original Agreement, Amendment No. One and Amendment No. 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.

**CITY OF FLAGSTAFF**

**STATE OF ARIZONA**  
Department of Transportation

By \_\_\_\_\_  
JERRY NABOURS  
Mayor

By \_\_\_\_\_  
**DALLAS HAMMIT, P.E.**  
Senior Deputy Engineer, Development

ATTEST:

By \_\_\_\_\_  
ELIZABETH A. BURKE  
City Clerk

February 14<sup>th</sup> 2014-ly

ADOT File No.: IGA/ JPA 11-097-I  
CAR No.: 13-0000960-I  
Amendment No. Three: 13-0003963-I

**ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF**

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 City of Flagstaff, 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 City 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.

\_\_\_\_\_  
City Attorney

