



Contract Number: CTN-PW-15 #067-01
Effective Date: 2-3-15
Term Date: 2-2-16
Cost: _____
Revenue:
Total: _____
NTE: _____
Action: _____
Renewal By: 12-1-15
Term: 2-2-16
Reviewed by: SK

BOARD OF SUPERVISORS AGENDA ITEM SUMMARY

Acc

JAN 26, 2015 01:35 PM PC CLK/JFD

Requested Board Meeting Date: 2/3/2015

ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:

The First Amendment to the Intergovernmental Agreement for Relocation of Hughes Access Road and the Construction and Maintenance of Aerospace Parkway amends Section 6.4 of the IGA to be consistent with section 5.4 of the IGA, which provides for continued use of the existing road on City land until the relocated road is completed and opened to the Public.

The First Amendment also adds language clarifying that the consent of the Tucson Airport Authority ("TAA") is subject to the approval of the Federal Aviation Administration ("FAA") pursuant to section 6.3 of the IGA.

STAFF RECOMMENDATION(S):

It is recommended the Pima County Board of Supervisors approve this First Amendment to Intergovernmental Agreement for the relocation of Hughes Access Road and the Construction and Maintenance of Aerospace Parkway for the public benefit of the County residents.

Page 1 of 2

COB: 1-26-15

BOS: 2-3-15

Addendum

Vend. 1

ver. 2

4 pgs (1) sk

Printed on: 01/26/2015 at 1:35 PM 0059

PIMA COUNTY COST: \$ n/a and/or **REVENUE TO PIMA COUNTY:** \$ _____

FUNDING SOURCE(S): _____
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

Advertised Public Hearing:

YES **NO**

Board of Supervisors District:

1 2 3 4 5 All

IMPACT:

IF APPROVED:

The portion of the existing Hughes Access Road on City owned property can be used as a public road until the relocated right of way is completed and opened to the public. The additional language to the consent of the Tucson Airport Authority that has been requested by its counsel will be approved.

IF DENIED:

The Tucson Airport Authority may refuse to consent to the IGA, potentially causing delays in the construction of the project.

John Konigsberg
DEPARTMENT NAME: Real Property Services *JK*

CONTACT PERSON: Neil J. Konigsberg TELEPHONE NO.: 520-724-6582

CONTRACT	
NO. <u>CTN-PW-15000000000000067</u>	
AMENDMENT NO. <u>01</u>	
<p>This number must appear on all invoices, bills of lading, shipping documents and documents pertaining to this contract.</p>	
FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE RELOCATION OF HUGHES ACCESS ROAD	

AND THE CONSTRUCTION AND MAINTENANCE OF AEROSPACE PARKWAY

1. **Parties.** This First Amendment to the Intergovernmental Agreement ("Amendment") between the City of Tucson and Pima County for the Relocation of Hughes Access Road is made and entered into by and between Pima County, a political subdivision of the State of Arizona ("County"), and the City of Tucson, a municipal corporation ("City"), pursuant to A.R.S. §11-952 et. seq.

2. Effective Date. This Amendment will become effective on the date when all the parties have signed it. The County is deemed to have signed the Amendment on the date the Chair of the Pima County Board of Supervisors signed it. The City is deemed to have signed the Amendment on the date its Mayor signed it.

3. Background and Purpose.

3.1 County and City may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. §§11-951 through 11-954, and are entering into this Agreement specifically pursuant to A.R.S. §§37-601, 11-251 and 9-407.

3.2 County and City entered into the Intergovernmental Agreement for the Relocation of Hughes Access Road (the “**IGA**”) on December 16, 2014 to facilitate the realignment and construction of public right of way known as Hughes Access Road, the southerly extension of South Alvernon Way and South Access Road.

3.3. The parties desire to amend section 6.4 of the IGA to be consistent with section 5.4 of the IGA in terms of allowing the public continued use of the existing right of way until the project improvements to be constructed pursuant to the IGA have been completed and opened to the public.

3.4 The parties further desire to amend the language granting the consent of the Tucson Airport Authority ("TAA") to the IGA to be subject to the approval of the Federal Aviation Administration ("FAA") pursuant to section 6.3 of the IGA.

4. Amendment of IGA

4.1 Section 6.4 of the IGA is amended to read as follows: "City agrees to allow the continued use of the Existing Easement as public right of way until the Project Improvements have been completed and opened to the public."

4.2. The consent of the TAA to the IGA is hereby amended to read as follows:

CONSENT OF TUCSON AIRPORT AUTHORITY

Subject to the approval of the Federal Aviation Administration pursuant to section 6.3 of the IGA, as Lessee, the Tucson Airport Authority hereby consents to the release of the Existing Easement and to the granting of the TCE and dedication of the City owned property described and delineated by the attached EXHIBIT C as right of way for the construction of the above described Project.

Its:
Print Name

Date: _____

All other provisions of the IGA not specifically amended hereby shall remain in full force and effect.

Each Party is signing this Amendment on the date stated opposite that Party's signature.

CITY OF TUCSON, a municipal corporation

Jonathan Rothschild, Mayor

Date

ATTEST:

Roger Randolph, City Clerk

Date

PIMA COUNTY, a political subdivision of the State of Arizona:

Sharon Bronson, Chair, Board of Supervisors

Date

ATTEST:

Robin Brigode, Clerk of Board

Date

APPROVED AS TO CONTENT:

Neil J. Konigsberg, Manager, Real Property Services

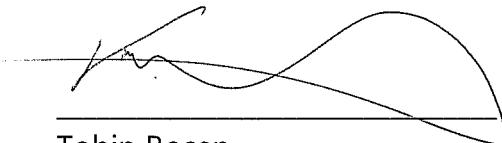

John Bernal, Deputy County Administrator, Public Works

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INTERGOVERNMENTAL AGREEMENT DETERMINATION

The foregoing First Amendment to the Intergovernmental Agreement between Pima County and the City of Tucson has been reviewed pursuant to A.R.S. § 11-952 et seq. 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 Intergovernmental Agreement represented by the undersigned.

PIMA COUNTY:



Tobin Rosen,
Deputy County Attorney, Civil Division

Date: 1/15/14

CITY OF TUCSON:

Damian Fellows,
Principal Assistant City Attorney

Date: _____