

PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A *A M E N D E D

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, FEBRUARY 22, 2011
3:00 P.M.**

**Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor H. Lee Wiggins, Heights Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Linn, introducing the Third Grade Class of Trinity Christian School
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Kuykendall	
Councilman Blair	Councilwoman Linn
Councilman Hanna	Councilwoman Lopas
Councilman Lamerson	Councilwoman Suttles

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I.* **CONSENT AGENDA**

CONSENT ITEMS A – CB LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

- A. [Adoption of Ordinance No. 4776-1127 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a portion of Clubhouse Drive and dedicating a revised Clubhouse Drive located to the south, dedicating a Wineglass Drive extension and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment and dedication.](#)

~~*B. Authorization to the Chief of Police to enter into a Memorandum of Understanding with towing companies for purposes of tow requests by members of the Prescott Police Department.~~

C.B.* Approval of the minutes of the Prescott City Council Workshop (Field Trip) of January 4, 2011, the Workshop of February 1, 2011, the Regular Meeting of February 8, 2011, and the Special Meeting (Executive Session) of February 8, 2011.

II. REGULAR AGENDA

A. Adoption of Ordinance No. 4781-1132 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real properties, easements and improvements from A. Joanne Salley, and RNB Property Acquisitions LLC, for the reconstruction of the surface water recharge pipeline and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases.

B. Adoption of Resolution No. 4067-1137 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Intergovernmental Agreement with Yavapai County for the extension of County occupancy of several buildings at the Rodeo Grounds and specific infrastructure improvements and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

C.* Presentation, discussion and direction regarding the Prescott Police Department Towing Policy.

~~C. D.*~~ Recess into Executive Session.

III. EXECUTIVE SESSION

A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS 38-431.03(A)(4).

1. Lexington Insurance/Casa de Pinos v. City of Prescott.
2. McBurnie v. City of Prescott.
3. City of Prescott v. CVID Investments LLC
4. Potential legal claim re FLSA issues

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3).

1. Laws regarding executive sessions.

IV. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing **AMENDED** notice was duly posted at Prescott City Hall on _____
_____ at _____ .m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, MMC, City Clerk

COUNCIL AGENDA MEMO – February 22, 2011
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Ordinance No. 4776-1127 to abandon a portion of Clubhouse Drive and to dedicate portions of Clubhouse Drive and Wineglass Drive

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Laurie Hadley	

Item Summary

This is a City initiated item to abandon a portion of Clubhouse Drive and dedicate a realigned portion of Clubhouse Drive and an extension of Wineglass Drive that connects to Clubhouse Drive.

Background

This item is in conjunction with a request by the City to the Federal Aviation Administration (FAA) to release approximately 3.3 acres of land from the FAA inventory for Ernest A. Love Field as shown on the attached Site Plan. 3.3 acres of land will become part of the golf course including the "Old Clubhouse". Realigned Clubhouse Drive will move to the south continuing to provide access to the taxiway system, while increasing leasable space at the airport by 1.41 acres. The realignment will serve to more clearly define the airport boundary and other adjacent land uses. Bids will be solicited for construction of the improvements to this portion of Clubhouse Drive and the intersection with Wineglass Drive in the next few weeks.

Utilities including water, power, telephone, cable TV and gas have been relocated to the new Clubhouse Drive alignment.

- Attachments**
- Location Map
 - Site Plan
 - Exhibit "A" Abandonment Plat Map
 - Exhibit "B" Dedication Plat Map
 - Ordinance

Recommended Action: MOVE to adopt Ordinance No. 4776-1127.

ORDINANCE NO. 4776-1127

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ABANDONING A PORTION OF CLUBHOUSE DRIVE AND DEDICATING A REVISED CLUBHOUSE DRIVE LOCATED TO THE SOUTH, DEDICATING A WINEGLASS DRIVE EXTENSION AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SUCH ABANDONMENT AND DEDICATION

RECITALS:

WHEREAS the City Council of the City of Prescott has determined that abandoning a portion of Clubhouse Drive City Right-of-Way, more particular described in Exhibit "A", attached hereto and made a part hereof, is not needed nor likely to be needed within a reasonable future time by the City and will benefit the City; and

WHEREAS, the City Council of the City of Prescott has determined that dedicating a revised location of Clubhouse Drive to the south and dedicating an extension of Wineglass Drive as shown on Exhibit "B" will improve access to the "Old Clubhouse" and improve Airport taxiway access and increase leasable space for the Airport; and

WHEREAS, the abandoned portion of Clubhouse Drive and the dedicated portions of Clubhouse Drive and Wineglass Drive are all owned by the City, therefore no cost are associated with the action except recording fees; and

WHEREAS this abandonment is in compliance with ARS Section 28-7201 et seq.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT certain portion of Clubhouse Drive Right-of-Way as set shown in Exhibit "A", is hereby vacated and abandoned.

SECTION 2. THAT certain portions of Clubhouse Drive and Wineglass Drive as shown on Exhibit "B" shall be dedicated to the public.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 22nd day of February, 2011.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

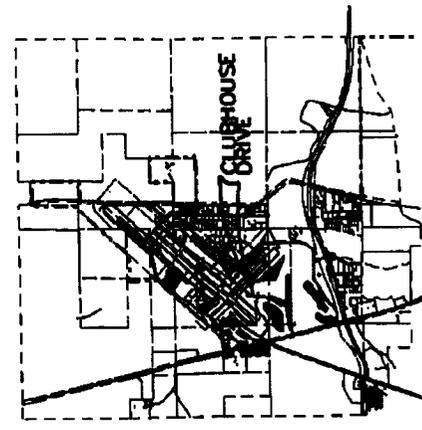
ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

EXHIBIT "A"

ABANDONMENT PLAT MAP OF PORTIONS OF CLUBHOUSE DRIVE

LOCATED IN SECTION 25, TOWNSHIP 15 NORTH, RANGE 02 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.



LOCATION MAP
NOT TO SCALE

ORDINANCE NUMBER
THE MAYOR AND CITY COUNCIL OF THE CITY OF PRESCOTT, ARIZONA
DO HEREBY CERTIFY THAT THE RIGHT-OF-WAY OF CLUBHOUSE DRIVE
AS SHOWN AND DESCRIBED HEREON HAS BEEN ABANDONED PURSUANT
TO CITY ORDINANCE NUMBER _____

APPROVED:
THE MAYOR OF THE CITY OF PRESCOTT, ARIZONA
DAY OF _____ 2010,
I, _____, DO HEREBY APPROVE THIS ABANDONMENT MAP AND ACCEPT
ALL CHANGES AS NOTED ON SAID PLAT AS SET FORTH
ON HIS PUBLIC RECORD.

MAYOR _____

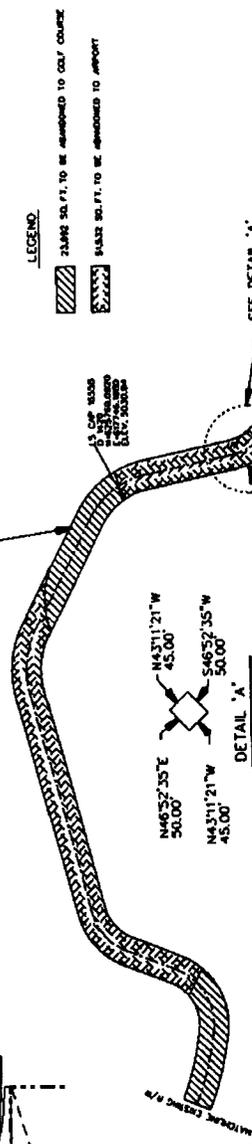
CITY ENGINEER

COMMUNITY DEVELOPMENT

PUBLIC WORKS DIRECTOR



RIGHT-OF-WAY DEDICATED IN
BOOK 22 MAP PAGE 24
TO BE ABANDONED



LEGEND

- 25.000 SQ. FT. TO BE ABANDONED TO GOLF COURSE
- 50.000 SQ. FT. TO BE ABANDONED TO AIRPORT

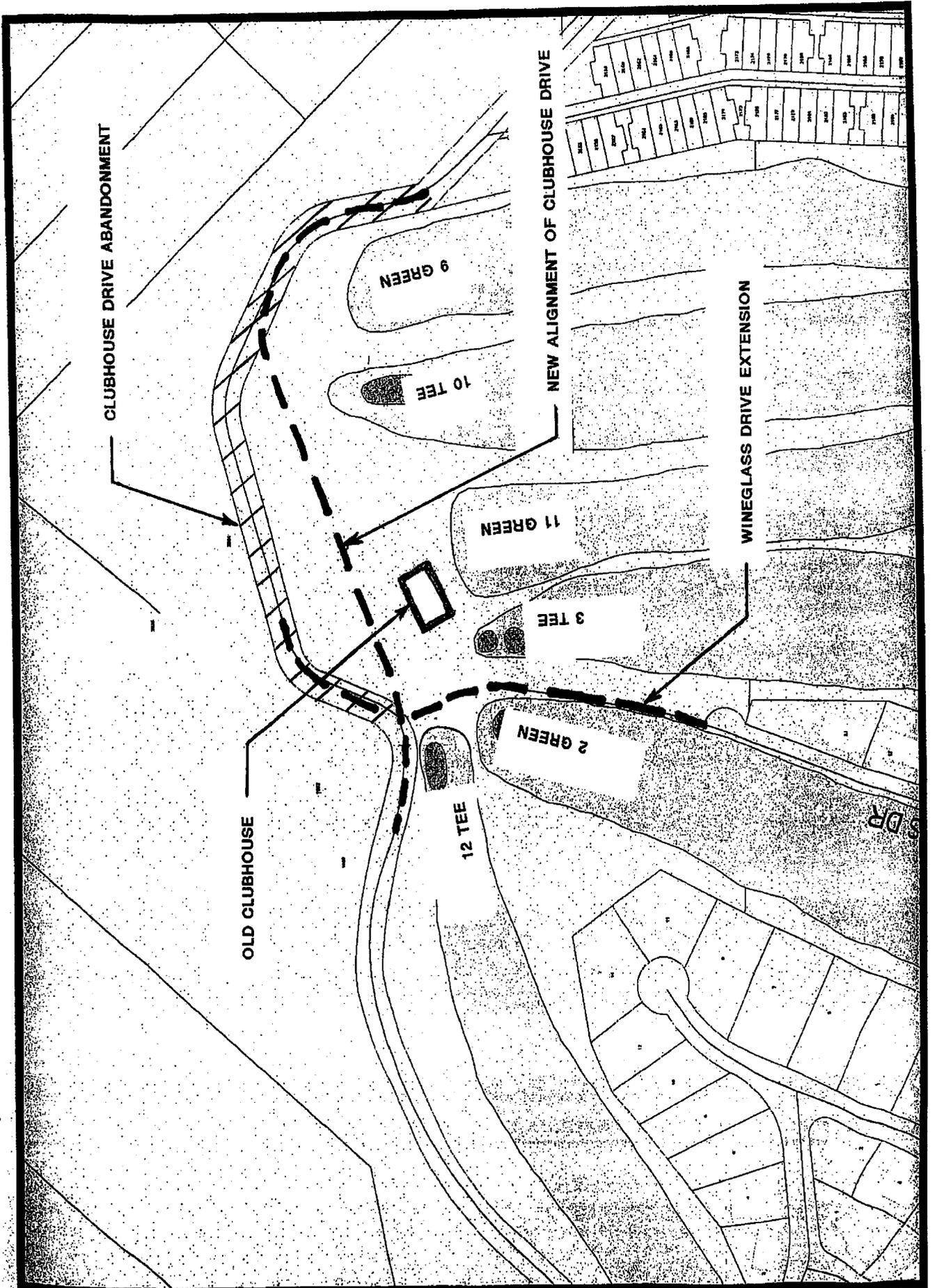
SEE DETAIL 'A'
ABANDONMENT OF A PORTION
OF CLUBHOUSE DRIVE
BOOK 21 MAP PAGE 43

CERTIFICATION
I, JON A. JANIKIE, DO HEREBY CERTIFY THAT I AM A
REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA
AND WAS UNDER MY DIRECT SUPERVISION DURING THE
MONTH OF JULY 2008 AND THAT THE SURVEY IS
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
AND BELIEF.

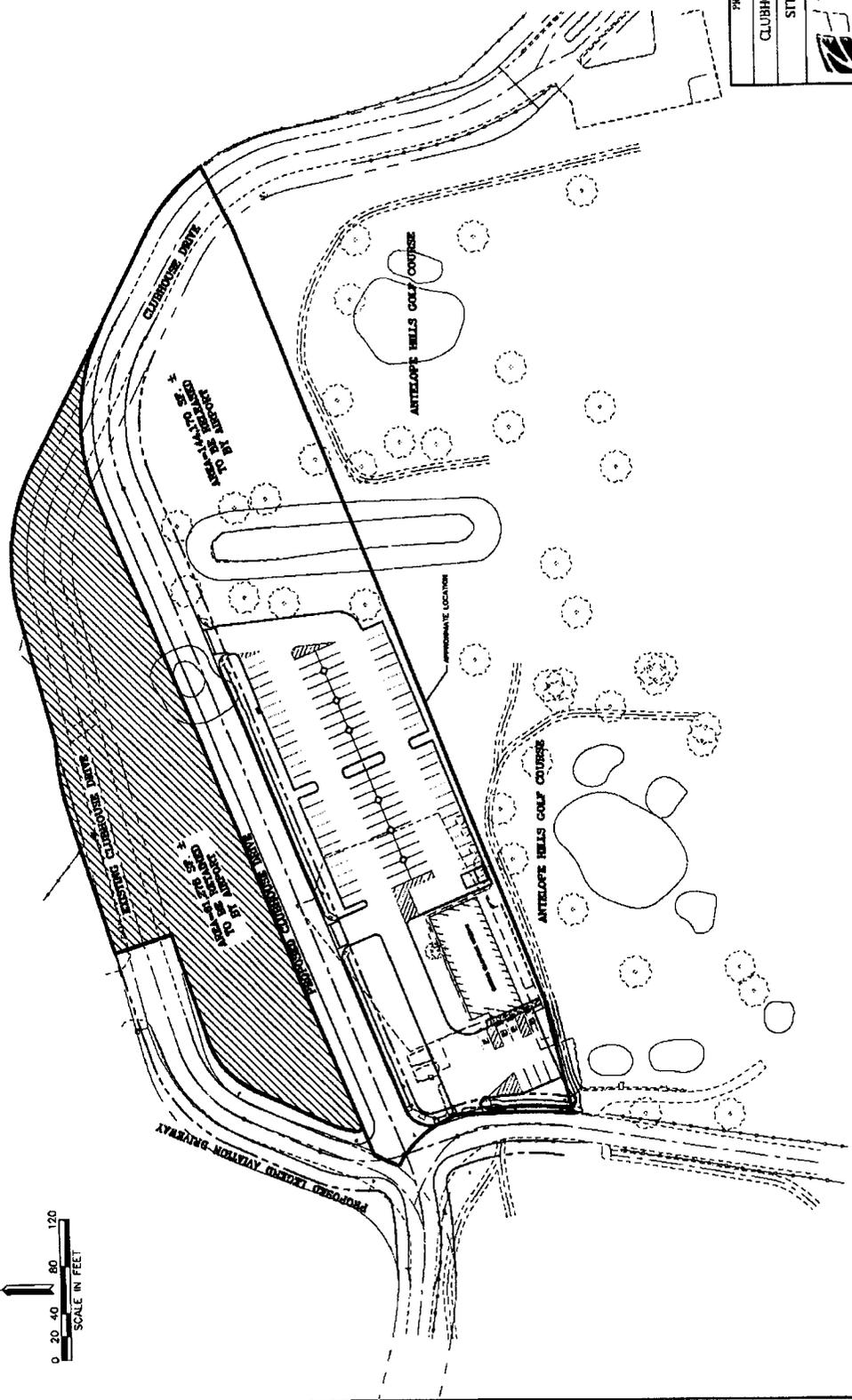
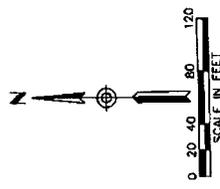
JON A. JANIKIE
AZ. L.S. 29876

SW CORNER SECTION 25
T15N, R02W, A10
E=815439.4180
ELEV. 5050.26

LOCATION MAP



SITE PLAN



PRESCOTT MUNICIPAL AIRPORT PRESCOTT, ARIZONA	
SITE PLAN	
 Z & H Engineering, Inc. 2001 E. McDowell Blvd., Suite 200 Phoenix, Arizona 85004 Tel: 602-955-1100 Fax: 602-955-1101 www.zandh.com	
DATE: 11-10-00	SCALE: 1" = 40'
DESIGNED BY: JRM	DRAWN BY: JRM
CHECKED BY: JRM	DATE: 11-10-00
PROJECT NO: 00000000	SHEET NO: 1 OF 1

COUNCIL AGENDA MEMO – February 22, 2011

DEPARTMENT: Public Works

AGENDA ITEM: Adoption of Ordinance No. 4781-1132 authorizing purchase and acceptance of public utility easements and right of entry easements from various owners for the Surface Water Recharge Pipeline Project.

Approved By:

Date:

Department Head: Mark Nietupski

Finance Director: Mark Woodfill

City Manager: Laurie Hadley



2-16-11

Item Summary

Approval of this ordinance will acquire a public utility easement and permanent right of entry for the City associated with the Surface Water Recharge Pipeline Project. Upon approval of the ordinance and associated closings of escrow, the last of the necessary easements will have been acquired for construction of the project south of Prescott Airpark to the Granite Creek and Willow Creek junction.

Background

The existing City-owned pipeline was originally purchased from the Chino Valley Irrigation District (CVID) in 1998, and is approximately three miles in length, consisting of both pipe and open channel segments. The gravity line begins at approximately the intersection of Highway 89 and old Highway 89A, and extends to the north/northeast, west of and parallel to Granite Creek, and ends at the City's recharge basin on the east side of the airport. The project is required to replace the existing open ditch, old deteriorated pipe, intake structures on Granite Creek and Willow Creek and junction structure which collects the recharge flow from both creeks, portions of which have been in service since 1926. The improvements will significantly increase the ability to capture, convey, measure, and recharge all of the City's surface water allocation from Watson and Willow Lakes by replacing the outdated conveyance facility. A new electronic flow measurement device will be installed at the pipe outlet to the recharge basins to provide continuous and accurate recording of recharge volumes.

Exhibit "A" provides a summary of the acquisitions, involving two (2) parcels of real property and identifies property owner, address, assessors parcel number, areas and type of acquisitions, compensation (including real property improvements and severance) and other terms and conditions for each acquisition. The total expense to acquire all easements is in the amount of \$6,175.00. The agreement amounts are based on competitive market data provided by Briggs Appraisal and Consulting, State Certified Appraiser, the right of way consulting firm retained by the City for this project. Copies of the actual agreements are available in the City Clerks Office; compensation worksheets are on file at the Public Works office.

AGENDA ITEM: Adoption of Ordinance No.4781-1132 authorizing purchase and acceptance of public utility easements and a right of entry easement from various owners for the Surface Water Recharge Pipeline Project.

Schedule

Project advertisement is scheduled in March. Pending award of a construction contract work would begin in June 2011.

Budget

Funding for the Surface Water Recharge Pipeline Project easement acquisition is available from the Sewer Fund: (Accounts #715 7810 8410 09599 and #715 7810 8930 09599). The total amount required for the acquisitions listed on Exhibit "A" is \$6,175.00 plus closing costs estimated between \$200 and \$1000 for each closing. The actual closing costs will determine the final amount for each transaction.

- Attachments**
- Exhibit "A" Summary of Acquisitions
 - Exhibit "B" Location Map
 - Ordinance No. 4781-1132

Recommended Action: MOVE to adopt Ordinance No. 4781-1132.

ORDINANCE NO. 4781-1132

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE PURCHASE OF REAL PROPERTIES, EASEMENTS AND IMPROVEMENTS FROM A. JOANNE SALLEY, AND RNB PROPERTY ACQUISITIONS LLC., FOR THE RECONSTRUCTION OF THE SURFACE WATER RECHARGE PIPE LINE AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAID PURCHASES

RECITALS:

WHEREAS, the City Council has determined that certain real properties, easements and improvements are needed by the City for the Reconstruction of the Surface Water Recharge Pipe Line; and

WHEREAS, the proposed purchase prices of the following described properties, easements and improvements are deemed to be fair and equitable and will benefit the City of Prescott; and

WHEREAS, the purchase of these certain real properties, easements and improvements is for the public's health, safety and welfare.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City Council hereby accepts the offer to purchase certain real property and easements more particularly described in a certain Agreement for Sale of Real Property dated September 6th, 2010, from A. JoAnne Salley, which property and easement consists of: (1) A Permanent Right of Entry as described in Exhibits A, all located in APN 106-10-002, and the City agrees to purchase and accept said property and easements from A. JoAnne Salley, pursuant to the terms and conditions as set forth therein, for the purchase price of \$6,170.00 plus closing costs.

SECTION 2. THAT the City Council hereby accepts the offer to purchase certain real property and easements more particularly described in a certain Agreement for Sale of Real Property dated March 11th, 2010, from RNB Property Acquisitions LLC., which consists of: (1) Public Utility Easement which is described in Exhibit 14A, depicted in Exhibit 14B and easement restrictions described in Exhibit C thereto; all located in APN 102-06-208F, and the City agrees to purchase said property from RNB Property Acquisitions LLC pursuant to the terms and conditions as set forth therein, for the purchase price of \$5.00 plus closing costs.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 22nd day of February, 2011.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

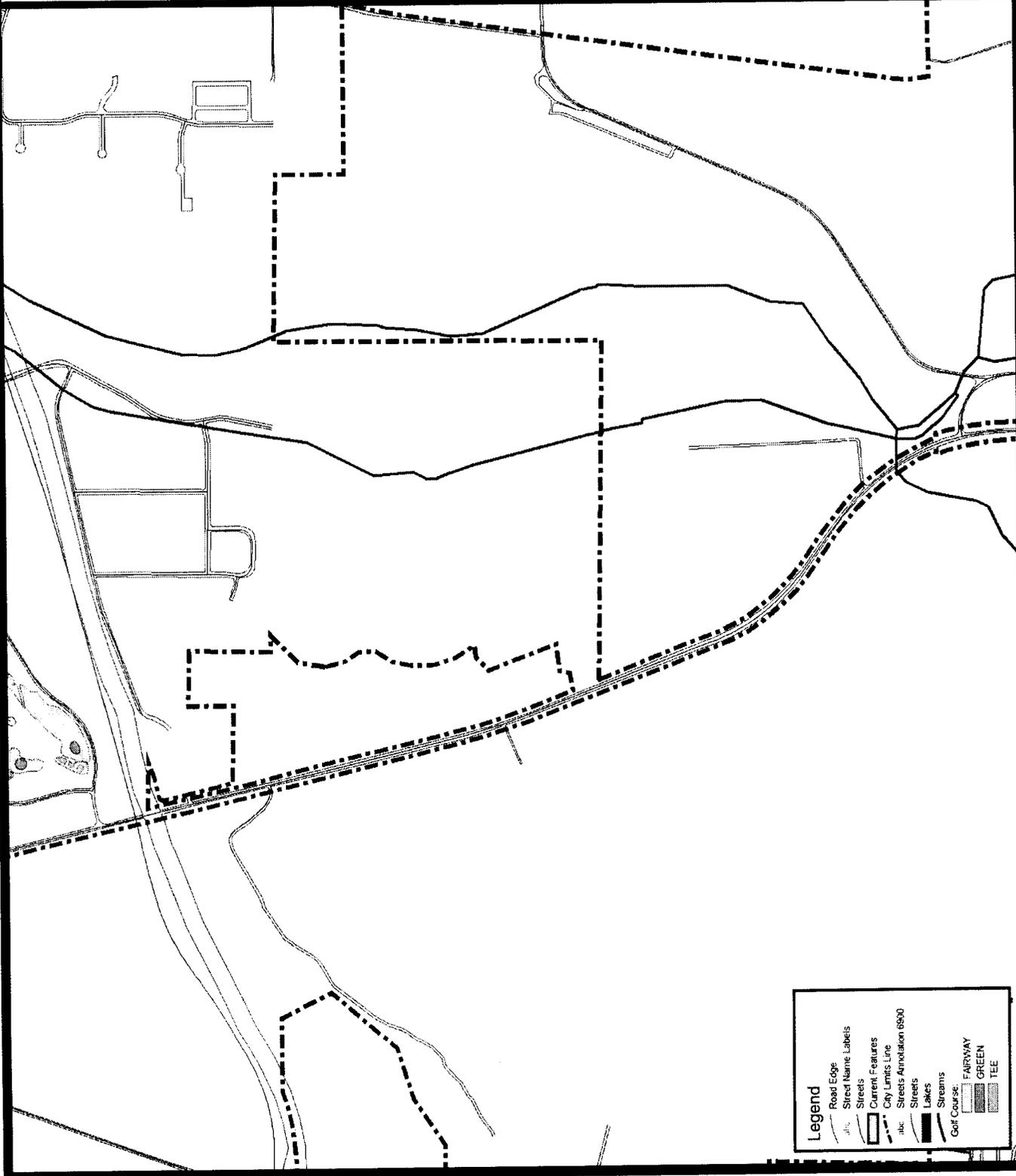
Surface Water Recharge Pipeline Project Easement Acquisition Summary
February 15th, 2011

Owner Name	Property Address	Assessor Parcel No	Acquisition ROW / Easements	Compensation	Other Terms and Conditions
A. JoAnne Salley	4185 N. State Route 89 Prescott, AZ. 86301	106-10-002	RE= 6,635 SF	\$6,170.00	The mobile home park driveway will be returned to it's present condition after construction has been completed.
RNB Property Acquisitions LLC.	5431 Landmark Lane Prescott, AZ. 86305	102-06-208F	PUE= 481 SF	\$5.00	The acquisition in this parcel is part of easement clean up. No construction will occur on this parcel.
			Total	\$6,175.00	

SF = Square Feet
 PUE = Public Utility Easement
 TCE = Temporary Construction Easement
 AB/E= Abandonment of Easement
 RE= Right of Entry



This map is a product of the
The City of Prescott GIS



Legend

- Road Edge
- Street Name Labels
- Streets
- Current Features
- City Limits Line
- Streets Annotation 6800
- Lakes
- Streams
- Golf Course:
 - FAIRWAY
 - GREEN
 - TEE

This document is a graphic representation only of best available sources
The City of Prescott assumes no responsibility for any errors.

COUNCIL AGENDA MEMO – February 22, 2011
DEPARTMENT: Public Works
AGENDA ITEM: Adoption of Resolution No. 4067-1137 for approval of an Intergovernmental Agreement between the City of Prescott and Yavapai County for Real Property Occupancy and Infrastructure Development.

Approved By:	Date:
Department Head: Mark Nietupski	
Finance Director: Mark Woodfill	
City Manager: Laurie Hadley <i>L. Hadley</i>	<i>2-16-11</i>

Item Summary

This item is to approve an Intergovernmental Agreement (IGA) between the City of Prescott and Yavapai County for the extension of County occupancy at several buildings at the Rodeo Grounds and to provide for specific infrastructure improvements benefitting the City of Prescott at (1) the County Complex at Pioneer Park, (2) the County Juvenile Detention Facility on Prescott Lakes Parkway Roundabout and (3) the intersection of Willow Creek Road and Commerce Drive.

Background

The City and County previously entered into Real Property Transfer/Development Agreement dated June 19, 2007, which provided for the transfer of certain real property between the parties and also provided for the County to occupy certain portions of the Rodeo Grounds. The City and County entered into a Real Property Occupancy/Development Agreement on July 9, 2009 which extended the County's occupancy of those portions of the Rodeo Grounds until June 30, 2011.

Approval of this IGA will extend the County's occupancy of the Mackin Building, Barn A and Barn B at the Rodeo Grounds from July 1, 2011 until June 30, 2012, in consideration of the following.

The County shall construct the Pioneer Park Sewer System Extension as described in Attachment "B" of the IGA and the City and County shall each contribute \$32,500.00 toward the cost of the Sewer Extension. Upon completion, the City shall operate and maintain the new sewer system in perpetuity.

The County shall, at its sole expense, construct and complete the Prescott Lakes Sewer Line Upgrade as described in Attachment "C" of this IGA. Upon completion, the City shall operate and maintain the sewer extension in perpetuity. (Construction estimated @ \$48,000)

Agenda Item: Adoption of Resolution No. 4067-1137 for approval of an Intergovernmental Agreement between the City of Prescott and Yavapai County for Real Property occupancy and Infrastructure Development

The City shall construct a Traffic Signal at the intersection Commerce Drive and Willow Creek Road and the County shall reimburse the City for 50% of the cost of the Signal not to exceed \$40,000.00.

The combined value to the City for the above improvements is \$120,500.00.

The Mackin Building (11,400 SF) is a fully heated, air conditioned administrative space with the basement (included in the square footage) being used for County document storage.

Barn A (14,700 SF) is a storage and workshop building that is partially heated with some restroom facilities.

Barn B (12,013 SF) is a block building with a tin roof and has no heating, no air conditioning or swamp cooling and no restroom facilities. The actual size of the building is larger than stated (about 4-5,000 square feet), however, the Chamber of Commerce uses the rest of the space for storage of Christmas lights.

Attachments - Intergovernmental Agreement
 - Resolution

Recommended Action: MOVE to adopt Resolution No. 4067-1137.

RESOLUTION NO. 4067-1137

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY FOR THE EXTENSION OF COUNTY OCCUPANCY OF SEVERAL BUILDINGS AT THE RODEO GROUNDS AND SPECIFIC INFRASTRUCTURE IMPROVEMENTS AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, the City of Prescott and Yavapai County wish to enter into an Intergovernmental Agreement ("IGA") for the extension of County occupancy of several buildings at the Rodeo Grounds; and

WHEREAS, the City of Prescott and Yavapai County wish to enter into an IGA for specific infrastructure improvements for (1) Sewer Extension at the County Complex at Pioneer Park, (2) Traffic Signal at the intersection of Commerce Drive and Willow Creek Road and (3) Sewer Upgrade at the Juvenile Detention Facility on Prescott Lakes Parkway ; and

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City of Prescott hereby approves the attached Intergovernmental Agreement between the City of Prescott and Yavapai County for the following:

- A. Extension of County occupancy of the Makin Building and Barn A and Barn B at the Rodeo Grounds from July 1, 2011 to July 1, 2012 at no cost to the County.
- B. The County shall complete the construction of the Pioneer Park Sewer System Extension as described in Attachment B of this IGA and each party shall contribute \$32,500.00 toward the sewer extension. Upon completion, the City shall operate and maintain the sewer extension in perpetuity.
- C. The City shall construct a Traffic Signal at the intersection of Commerce Drive and Willow Creek Road and the County shall reimburse the City 50% of the costs of the Signal not to exceed \$40,000.00.

D. The County shall, at its sole expense, complete the construction of the Prescott Lakes Sewer Line Upgrade at the Juvenile Detention Facility as described in Attachment C of the IGA. Upon completion, the City shall operate and maintain the sewer line in perpetuity.

SECTION 2. THAT the Mayor and Staff are hereby authorized to execute the attached Intergovernmental Agreement and to take any and all steps deemed necessary to accomplish the foregoing.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 22nd day of February, 2011.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

**CITY OF PRESCOTT/YAVAPAI COUNTY
INTERGOVERNMENTAL AGREEMENT**

REAL PROPERTY OCCUPANCY/INFRASTRUCTURE DEVELOPMENT

THIS AGREEMENT, having an effective date of _____, 2011 is by and between YAVAPAI COUNTY, a political subdivision of the State of Arizona (hereinafter "the COUNTY") and the City of Prescott, a municipal corporation created under the laws of the State of Arizona (hereinafter "the CITY")

RECITALS

WHEREAS, the CITY and the COUNTY have previously entered into a Real Property Transfer/Development dated June 19, 2007 (the "Transfer/Development Agreement") which provided for (1) the transfer of certain real property between the Parties including conveyance of the Prescott Rodeo Grounds (the "Rodeo Grounds") by the COUNTY to the CITY (2) extension of the COUNTY's occupancy of certain portions of the Rodeo Grounds until June 30, 2010 and (3) joint planning and development of Pioneer Park; and

WHEREAS, on July 6, 2009 the Parties entered into a Real Property Occupancy/Development Agreement (the "2009 Occupancy/Development Agreement") which, among other provisions, extended the COUNTY's occupancy of designated portions of the Rodeo Grounds for an additional one-year term commencing on July 1, 2010 and terminating on June 30, 2011; and

WHEREAS, the COUNTY wishes to extend its occupancy of the designated portions of the Rodeo Grounds for an additional one-year term commencing on July 1, 2011 and terminating on June 30, 2012; and.

WHEREAS, the COUNTY, at its expense is currently constructing a sewer lift station and sewer line (the "Pioneer Park Base Sewer System") that when complete will be available to serve CITY and COUNTY facilities in and around Pioneer Park; and

WHEREAS, the CITY has proposed that the COUNTY, in the course of construction of the Base System, extend the sewer lines as required to connect the existing Pioneer Park ball field bathroom facilities to the lift station (the "Pioneer Park Sewer System Extension"); and

WHEREAS, the COUNTY's contractor has agreed to complete the requested extension as an addition to the existing construction contract between the Contractor and the COUNTY (the "Pioneer Park Sewer System Construction Contract") for the additional sum of Sixty-five Thousand Dollars (\$65,000); and

WHEREAS, The CITY has proposed that the COUNTY reimburse the CITY for a portion of the cost incurred by the CITY for installation of a traffic signal at the intersection of Commerce Drive and Willow Creek Road within the municipal boundaries of the CITY (the "Traffic Signal Installation); and

WHEREAS, the CITY has proposed that the COUNTY, at its expense, upgrade certain portions of the CITY's sewer line located at the COUNTY's property adjacent to Prescott Lakes Parkway (the "Prescott Lakes Sewer Line Upgrade"), said Upgrade to be included in the COUNTY's contract for site work on the subject property (the "Prescott Lakes Site Work Contract").

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Rodeo Grounds; Extended County Occupancy.** The CITY agrees, in exchange for the consideration set forth herein, to allow the COUNTY to extend its occupancy of those portions of the Rodeo Grounds as shown in Attachment A to this Agreement, without charge, for an additional one-year period commencing on July 1, 2011 and terminating on June 30, 2012.
2. **Pioneer Park Sewer System Extension.** The COUNTY shall complete the Pioneer Park Sewer System Extension as described in Attachment B to this Agreement as an addition to the Pioneer Park Sewer System Construction Contract, subject to its terms and conditions, with each Party to contribute Thirty-two Thousand Five Hundred Dollars (\$32,500) toward the cost of said Extension. It is understood and agreed that upon completion, the CITY will assume ownership and control of the Base System and Extended System and thereby assume full responsibility for their maintenance and operation in perpetuity.
3. **Traffic Signal Installation.** The COUNTY shall reimburse the CITY for 50% of costs incurred by the CITY for installation of a traffic signal at the intersection of Commerce Drive and Willow Creek Road with total reimbursement by the COUNTY pursuant to this section not to exceed Forty Thousand Dollars (\$40,000). Reimbursement amounts shall be payable upon presentation of an invoice itemizing costs for materials, labor and related services. It is understood that prior to commencement of work pursuant to this Section, the CITY shall provide complete project plans for review and comment by the COUNTY.
4. **Prescott Lakes Sewer Line Upgrade.** The COUNTY shall, at its sole expense, complete the Prescott Lakes Sewer Line Upgrade as described in Attachment C to this Agreement said Upgrade to be incorporated into the Prescott Lakes Parkway Site Work Contract and subject to its terms and conditions. It is understood and agreed that upon completion of said Upgrade, the CITY shall retain ownership and remain solely responsible for its maintenance and operation.
5. **Severability.** The invalidity of any provision of this Agreement as determined by a Court of competent jurisdiction, shall in no way effect the validity of any other provision hereof, so long as the original intent of the parties is not defeated thereby.
6. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the subject matters hereof, and it may be amended, modified, or waived only by an instrument in writing signed by both parties.
7. **Conflict of Interest.** This Agreement may be subject to cancellation pursuant to ARS §38-511, the pertinent portions of which are incorporated herein by reference.
8. **Notices.** notices relating this Intergovernmental Agreement shall be deemed to have been duly delivered upon personal delivery, or as of the second business day after mailing by United States mail, postage prepaid, addressed as follows:

Prescott:

City of Prescott
 c/o City Manager
 P. O. Box 2059
 Prescott, Arizona 86302

Yavapai County

Yavapai County
 c/o County Administrator
 1015 Fair Street
 Prescott, AZ 86305

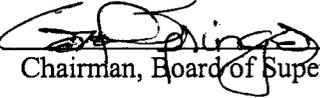
or to such other addresses as the Parties may agree in writing.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives with an effective date as first above written.

[Approvals on following page]

APPROVALS

COUNTY: Yavapai County

By  2/7/11
Chairman, Board of Supervisors Date

ATTEST:

 2/7/11
Clerk, Board of Supervisors Date

CITY: City of Prescott

By _____

Title Date

ATTEST:

Clerk, City of Prescott Date

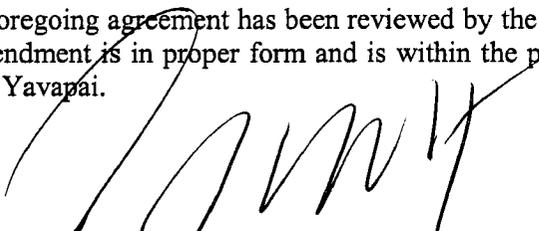
Prescott County Property /Infrastructure Agreement 2011

Determinations of Counsel

Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned attorney for the City of Prescott, who has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of this State to the City of Prescott.

City Attorney

Pursuant to A.R.S. Section 11-952(D), the foregoing agreement has been reviewed by the undersigned Deputy County Attorney, who has determined that this amendment is in proper form and is within the powers and authority granted under the laws of this State to the County of Yavapai.



David S. Hunt
Deputy County Attorney

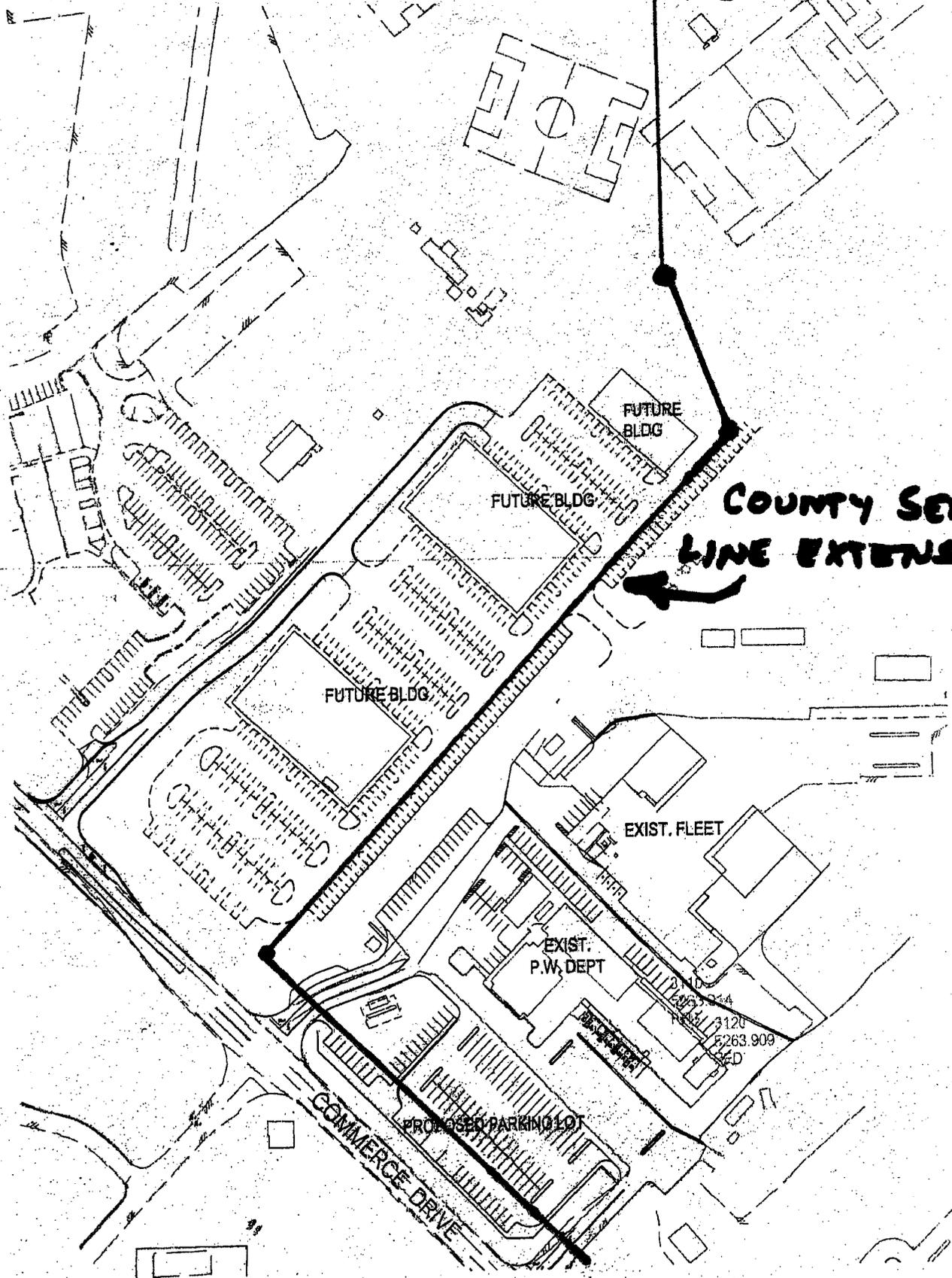
ATTACHMENT A

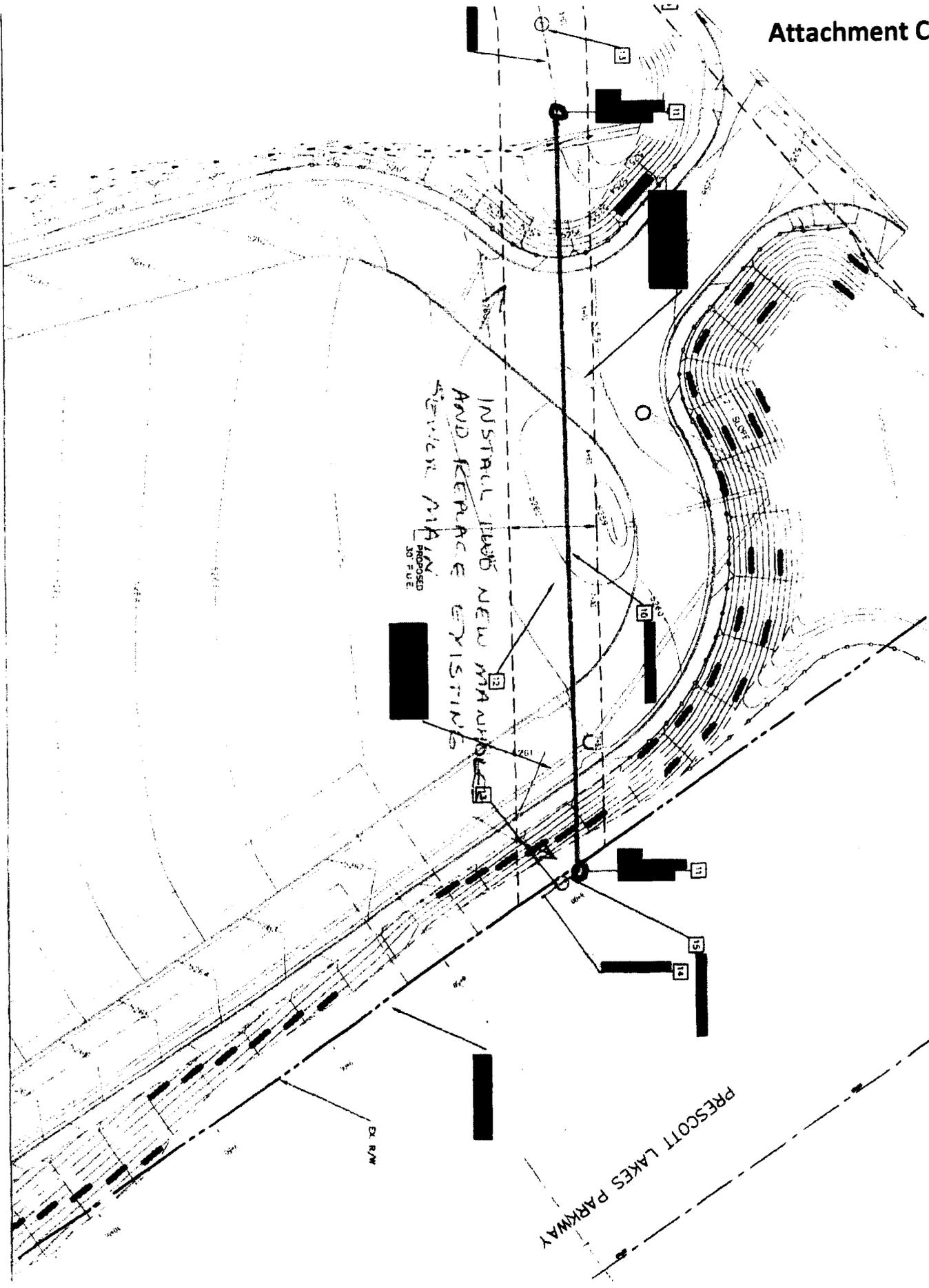
Rodeo Grounds Facilities for Which Yavapai County Has Been Granted Extended Occupancy Pursuant To Section 1 of this Real Property Occupancy/Infrastructure Agreement.

1. Mackin Building
2. Barn A
3. Barn B

CITY SEWER
LINE EXTENSION

COUNTY SEWER
LINE EXTENSION





INSTALL 110KV NEW MAINS
AND REPLACE EXISTING
REVIEW MAIN
PROPOSED
30' P.U.E.

PRESCOTT LAKES PARKWAY

EX. 8/11