

RESOLUTION NO. 2010-103

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA APPROVING AND ADOPTING THE ASSIGNMENT AND CONSENT AGREEMENT FOR THE FORT GRANT CONNECTIVITY ENHANCEMENT PROJECT BY AECOM USA, INC. [“ASSIGNOR”] TO AECOM TECHNICAL SERVICES, INC. [“ASSIGNEE”] AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Willcox (the “CITY”), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation of the State of Arizona (the “State”), is authorized by the laws of the State to control the property of the corporation for the benefit of the CITY and its inhabitants and to enter into contract with respect thereto; and

WHEREAS, the CITY is empowered with the authority to control the streets and roads and to repair, maintain and improve same within and without its limits pursuant to A.R.S. Section 9-241 et seq.; and

WHEREAS, the CITY approved and adopted the AECOM agreement pursuant to Resolution 2009-42 to provide consulting and engineering services under the Agreement; and

WHEREAS, the CITY and ASSIGNOR entered into a Contract Amendment to amend the Scope of Work and Cost Estimate to complete the Final Scoping Letter and Environmental Clearance Agreement pursuant to Resolution 2009-46; and

WHEREAS, ASSIGNOR and ASSIGNEE have entered into an Assignment and Consent Agreement to assign, transfer and convey all of ASSIGNOR’s rights, obligations, title, interest and liabilities in and to the Contract to ASSIGNEE; and

WHEREAS, the Mayor and Council of the City of Willcox desire to have this Resolution presented at its October 4th, 2010 Council Meeting for the purpose of approving, adopting and consenting to the Assignment; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, the general public and its citizens; and,

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely assignment of the Contract, and that this Resolution shall be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Mayor and Council formally approve, adopt and consent to the Assignment from the ASSIGNOR to ASSIGNEE as presented.

Section 2: That the officers and employees of the CITY are authorized to take all action necessary or reasonably required to carry out the intent of this Resolution relating to the Fort Grant Connectivity Enhancement Project.

Section 3: The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage and adoption by the City of Willcox, Cochise County, Arizona.

PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this 4th day of October, 2010.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 10-06-2010.

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina G. Whelan, CMC
City Clerk, Cristina G. Whelan, CMC

/s/ Hector M. Figueroa
City Attorney, Hector M. Figueroa, Esq.

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