

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2012-40

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] RESCINDING RESOLUTION NO. 2011-77 RELATING TO THE INTERGOVERNMENTAL AGREEMENT (“IGA /JPA 11-042-I”) WITH THE STATE OF ARIZONA (“STATE”) THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE SHARED USE PATH PROJECT, AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, pursuant to A.R.S. §§ 9-240 and 11-952 through 11-954, the CITY and the STATE are empowered to enter into agreements with the county, the state and federal governments and agencies; and

WHEREAS, the Department of Transportation (“ADOT”) is duly authorized by A.R.S. § 28-401 to enter into this Agreement and has delegated to its signatory the authority to execute this Agreement on behalf of the State; and

WHEREAS, the CITY is duly authorized by A.R.S. § 48-572 to enter into **IGA /JPA 11-042-I** and has by Resolution No: 2011-77 approved and adopted the Agreement on behalf of the CITY on September 19, 2011; and

WHEREAS, pursuant to the terms of the **IGA/JPA 11-042-I**, the CITY had agreed to designate the STATE/ADOT as authorized agent (“AGENT”) and would have to provide a \$35,758.00 match plus set-aside a 20% Contingency for State Projects; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City and its citizens to **Rescind Resolution No: 2011-77** due to new funding requirements that render the project not to be cost effective considering the City’s budget constraints; and

WHEREAS, the Mayor and Council desire to have this item presented at the next Council Meeting on May 21st, 2012; 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Cochise County, Arizona, that an emergency be declared to exist to assure that Resolution No. 2011-77 is timely rescinded, and that this Resolution be effective immediately upon its passage and adoption.

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, as follows:

Section 1: Based on the new circumstances outlined above, the CITY hereby **rescinds Resolution No. 2011-77** that approved and adopted **IGA/JPA 11-042-I**.

Section 2: City Staff are directed and authorized to take necessary action to carry out the intent of this Resolution.

Section 3: The Mayor is authorized to execute this Resolution.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 21st day of May, 2012

APPROVED/EXECUTED

/s/ Gerald W. Lindsey
MAYOR, GERALD W. LINDSEY (or)
VICE-MAYOR, MONIKA S. CRONBERG

Date Signed: 05/23/2012

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina Garcia Whelan, CMC
City Clerk, Cristina Garcia Whelan, CMC

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

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