

RESOLUTION NO. 2010-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT CONSIDERATION BY THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE MARICOPA ASSOCIATION OF GOVERNMENTS RELATING TO SAGUARO BOULEVARD PEDESTRIAN AND LANDSCAPE IMPROVEMENTS.

WHEREAS, the Arizona Transportation Enhancement Program ("ATEP"), sponsored by the Arizona Department of Transportation in connection with the Maricopa Association of Governments, is seeking proposals from state and local agencies for projects relating to all aspects of transportation enhancement; and

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") desires to submit a project to be considered by ATEP for funding in the form of a grant; and

WHEREAS, the ATEP procedures require that the Town Council certify, by resolution, (i) its approval of submission of an application for grant funds in support of the Saguaro Boulevard (Panorama-Colony) Frontage Sidewalk Project (the "Project") from ATEP (the "Application"), (ii) the availability of matching funds, including any overmatch that may be required, (iii) its commitment to fund necessary Project development activities (design, scoping, environmental analysis, right-of-way acquisition and utility clearance) including local project management, if applicable, (iv) its commitment that the Project will be ready for advertisement within three years, (v) its commitment to pay for all cost overruns related to the Project, (vi) its commitment to reimburse the Arizona Department of Transportation/Federal Highway Administration for all federal funds used in the event the Project is canceled by the Town of Fountain Hills, (vii) its commitment to pay the Arizona Department of Transportation for any related formal review, and (viii) its commitment to enter into a Joint Project Agreement ("JPA") for the purpose of maintaining the completed Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town Council hereby (i) approves the submission of the Application to be considered by ATEP for funding in the form of a grant and (ii) confirms that it has identified available matching funds totaling 5.7% of the total grant amount and any overmatch required, (iii) commits to funding necessary Project development activities (design, scoping, environmental analysis, right-of-way acquisition and utility clearance) including local project management, if applicable, (iv) commits to ensuring that the Project will be ready for advertisement within three years, (v) authorizes payment for any cost overruns associated with the Project, (vi) agrees to reimburse the Arizona Department of Transportation/Federal Highway Administration for all federal funds used in the event the Project is canceled by the Town of Fountain Hills, (vii) authorizes payment of related administrative review fees to the Arizona

Department of Transportation and (viii) agrees to enter into a JPA for the purpose of maintaining the completed Project.

SECTION 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to (i) execute and submit all documents and any other necessary or desirable instruments in connection with the Application, (ii) execute any resulting grant agreements and other documents and (iii) take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, June 17, 2010.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Jay T. Schlum, Mayor



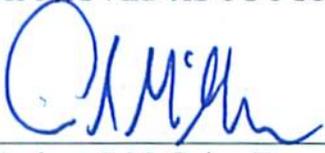
Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Richard L. Davis, Town Manager



Andrew J. McGuire, Town Attorney