

RESOLUTION

- 2008-005

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Donnelly, hereafter called the City, for installation of 4" PVC conduit; and

WHEREAS, the City is responsible for all costs of installation and maintenance of the conduit;

NOW, THEREFORE, BE IT RESOLVED:

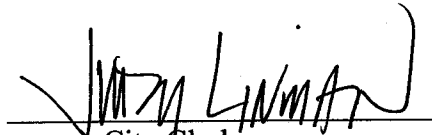
1. That the Agreement for Project No. ST-3270(649) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Donnelly, held on

MAY 28, 2008.

(Seal)


City Clerk

**COOPERATIVE AGREEMENT
ST-3270(649)
MAIN STREET, DONNELLY
VALLEY COUNTY
KEY NO. 08813**

received
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PARTIES

This Agreement is made and entered into this _____ day of _____, by and between the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF DONNELLY**, hereafter called the City.

PURPOSE

The State has programmed the construction of Main Street, Donnelly, (Project No. ST-3270(649)). At the City's request, the State's contractor will install 4" PVC conduit under the new sidewalks and across SH-55 (approximately 750 feet of conduit). This Agreement will set out the terms for funding, installation and maintenance of the conduit.

Authority for this Agreement is established by Section 40-317, Idaho Code.

The Parties agree as follows:

SECTION I. That the State will:

1. Include plans for installation of 4" PVC conduit under the new sidewalks and across SH-55 in the State's contract for this project.
2. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the State's estimate of cost of construction by more than ten (10) percent. If the low bid for installation of the conduit exceeds the amount paid by the City pursuant to this Agreement, the State will submit a statement to the City requesting additional funds for the installation of the conduit. Any excess funds paid by the City pursuant to this Agreement will be returned to the City.

SECTION II. That the City will:

1. Upon execution of this Agreement, pay to the State the amount of Five Thousand Dollars (\$5,000), estimated to be the cost for installation of the City's conduit.

2. Upon receipt of the statement referred to in Section I, Paragraph 2 above, pay to the State any additional funds necessary for the work.
3. Accept responsibility for maintenance of the conduit installed pursuant to this Agreement.

SECTION III. General:

1. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the project. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.
2. This Agreement shall become effective on the first date mentioned above, and shall remain in full force and effect until amended or replaced upon the mutual consent of the State and the City.

(This space left blank intentionally.)

EXECUTION

This Agreement is executed for the State by its Assistant Chief Engineer, and executed for the City by the Mayor, attested to by the City Clerk, with the corporate seal of the City of Donnelly.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Assistant Chief Engineer (Development)

RECOMMENDED:

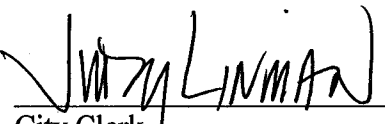
District Engineer

APPROVED: as to form:



Deputy Attorney General

ATTEST:



City Clerk

CITY OF DONNELLY

Mayor 

By regular/special meeting
on MAY 28, 2008

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