



Consideration of Lea County Resolution No. 22-DEC-274R Approving an Agreement Between Lea County and the City of Lovington for Improvements to a Portion of Avenue K from Main Street to Industrial Street.

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-DEC-274R

A RESOLUTION APPROVING AN AGREEMENT BETWEEN LEA COUNTY AND THE CITY OF LOVINGTON FOR IMPROVEMENTS TO A PORTION OF AVENUE K FROM MAIN STREET TO INDUSTRIAL STREET

WHEREAS the County wishes to partner with local government entities on projects to improve the safety, quality of life, and transportation network in Lea County; *and*

WHEREAS, the County's Five-Year Strategic Plan includes a goal of having a safe, reliable and efficient transportation network; *and*

WHEREAS, Avenue K from Main Street to Industrial Street is owned by the City of Lovington; *and*

WHEREAS, the County wishes to see the portion of Avenue K from Main Street to Industrial Street improved and reconstructed; *and*

WHEREAS, all costs associated with improvement and reconstruction of Avenue K will be paid by the County and it is estimated that construction costs will be approximately \$655,000.00

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that an agreement between Lea County and the City of Lovington for the improvement and reconstruction of Avenue K from Main Street to Industrial Street is hereby approved.

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the agreement with the City of Lovington.

PASSED, APPROVED AND ADOPTED on this 8th day of December, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Avenue K from Main Street to Industrial Street is owned by the City of Lovington.

The County wishes to see the portion of Avenue K from Main Street to Industrial Street improved and reconstructed.

All costs associated with the improvement and reconstruction of Avenue K will be paid by the County and it is estimated that construction costs will be approximately \$655,000.00.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, December 8, 2022

Submit this summary form & all attachments to agenda@leacounty.net by:

Monday, November 28, 2022

County Manager Approval required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 12/05/2022	SUBMITTED BY Name, Title, Dept: Mike Gallagher
SUBJECT: Agreement with Lovington for Improvements to a Portion of Avenue K	ATTACHMENT(S): Resolution
NO. OF ORIGINALS FOR SIGNATURE: 1	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR: 2022-2023

STRATEGIC PLAN Implementation of 5 Year Strategic Plan:
Section 2.1 Collaboration & Partnership with Local Communities , Agencies and Government Entities is Essential for Success.

SUMMARY:
An Agreement Between Lea County and the City of Lovington for Improvements to a Portion of Avenue K from Main Street to Industrial Street.

Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked; how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	See Additional Summary Attached <input type="checkbox"/>
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SUBMITTER'S RECOMMENDATION(S): Approve agreement with the City of Lovington	Submitter's Signature Department Director, Etc.
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FINANCE REVIEW Fiscal Impact/Cost:	Reviewed by Finance Director
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LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
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COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
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Item No. <u>0303</u> RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN		
Approved: _____ Resolution No. <u>22-DEC-274R</u> Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____

**STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-DEC-274R**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN LEA COUNTY AND THE CITY OF
LOVINGTON FOR IMPROVEMENTS TO A PORTION OF AVENUE K FROM MAIN STREET TO
INDUSTRIAL STREET**

WHEREAS the County wishes to partner with local government entities on projects to improve the safety, quality of life, and transportation network in Lea County; *and*

WHEREAS, the County's Five-Year Strategic Plan includes a goal of having a safe, reliable and efficient transportation network; *and*

WHEREAS, Avenue K from Main Street to Industrial Street is owned by the City of Lovington; *and*

WHEREAS, the County wishes to see the portion of Avenue K from Main Street to Industrial Street improved and reconstructed; *and*

WHEREAS, all costs associated with improvement and reconstruction of Avenue K will be paid by the County and it is estimated that construction costs will be approximately \$655,000.00

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that an agreement between Lea County and the City of Lovington for the improvement and reconstruction of Avenue K from Main Street to Industrial Street is hereby approved.

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the agreement with the City of Lovington.

PASSED, APPROVED AND ADOPTED on this 8th day of December, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: _____
Tryon Hassen, Chief Deputy Clerk

John W. Caldwell, County Attorney

**MEMORANDUM OF AGREEMENT BETWEEN
LEA COUNTY, NEW MEXICO AND THE
CITY OF LOVINGTON**

PURPOSE

The purpose of this Memorandum of Agreement is to memorialize the terms and agreement between Lea County ("County") and the City of Lovington (City) regarding improvements to a portion of Avenue K in the City.

WHEREAS, County wishes to partner with local governmental entities on projects to improve the safety, quality of life, and transportation network in Lea County; and

WHEREAS, County's Five-Year Strategic Plan includes a goal of having a safe, reliable, and efficient transportation network; and

WHEREAS, Avenue K from Main Street to South Industrial Road is a roadway owned and maintained by the City; and

WHEREAS, County wishes to make improvements to this portion of Avenue K to improve the transportation network; and

WHEREAS, the City wishes to have this portion of Avenue K improved.

IMPROVEMENT/PROJECT

1. County will itself or through an independent contractor make improvements to Avenue K from Main Street to South Industrial Road, approximately .85 miles.

2. County will solely be responsible for construction management and project design and control.

3. County will provide all materials and labor to complete the improvements.

4. The improvements will include striping of the road.

5. County will be responsible for traffic control and shutting down lanes during construction.

6. All costs directly related to the improvements will be paid by County. It is anticipated that the project will cost approximately \$654,697.97.

7. County will not be responsible for maintaining the road after the improvements are completed. It is anticipated that the project may take 120 days from its beginning to its completion.

8. County does not warrant or guarantee the improvements beyond completion of the project.

9. City agrees to the terms 1 through 8 and grants County authorization/permission to make improvements to Avenue K from Main Street to South Industrial Road.

10. City will be responsible for maintenance of the road upon completion of the project by the County.

SOVEREIGN IMMUNITY

County and City and their public employees (as defined in the New Mexico Tort Claims Act) do not waive sovereign immunity, do not waive any defense(s), and/or do not waive any limitation(s) pursuant to the New Mexico Tort Claims Act. No provision in this Memorandum of Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to County and City and their public employees.

LIABILITY

Each party agrees to bear liability and responsibility for the negligent, reckless or deliberate acts or omissions of their own officers and employees, as limited by the New Mexico Tort Claims Act.

THIRD PARTY BENEFICIARIES

It is specifically agreed between the parties executing this Memorandum of Agreement that it is not intended by any of the provisions of any part of the Memorandum of Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to this Memorandum of Agreement to maintain, pursuant to the provisions of this Memorandum of Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action.

INSURANCE

Both County and City must maintain liability insurance or qualify as a self-insured entity, as required by law.

TERM

This Memorandum of Agreement shall continue in full force and effect, until the County determines the project to be completed. The terms governing liability and maintenance shall remain in effect until modified in writing.

SEVERABILITY

If any provision of this Memorandum of Agreement is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

NO ORAL MODIFICATION

The forgoing constitutes the entire agreement between the Parties and may be modified only in writing signed by both Parties. Amendments and alterations to this Memorandum of Understanding after execution may only be made in writing signed by both parties.

GOVERNING LAW

This Memorandum of Agreement shall be construed in accordance with the laws of the State of New Mexico.

EFFECTIVE DATE

This Memorandum of Agreement shall be in full force and effect upon execution and approval of the parties hereto.

ATTEST:

LEA COUNTY, NEW MEXICO

BY: _____
Michael P. Gallagher,
Lea County Manager

Date: _____

ATTEST:

CITY OF LOVINGTON

BY: _____

Date: _____