

DECEMBER 20, 2002

RES. NO. 2002-12-A-064
PROJECT: I-19-1(12)43 / 019PM044H088801R
HIGHWAY: NOGALES - TUCSON
SECTION: Continental - Sahuarita Road
ROUTE NO.: Interstate Route 19
ENG. DIST.: T
COUNTY: Pima

RESOLUTION OF DISPOSAL

VICTOR M. MENDEZ, Director, Arizona Department of Transportation, on December 20, 2002, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Sections 28-7046 and 28-7214, recommending disposal of a portion of drainage easement right of way from the State Transportation System by vacating and extinguishing thereof.

The portion of drainage easement right of way to be disposed is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona, entitled "Right of Way Plans, NOGALES - TUCSON Highway, Project I-19-1(12)43 / 019PM044H088801R."

WHEREAS said portion of drainage easement right of way is no longer needed for State transportation purposes, nor will it be used for public highway purposes; and

WHEREAS a remaining portion of drainage easement right of way is still needed for State transportation purposes and is to be used for public highway purposes; and

WHEREAS because of these premises, this Board finds public convenience requires that said portion of drainage easement right of way be removed from the State Transportation System by vacation and extinguishment; therefore be it

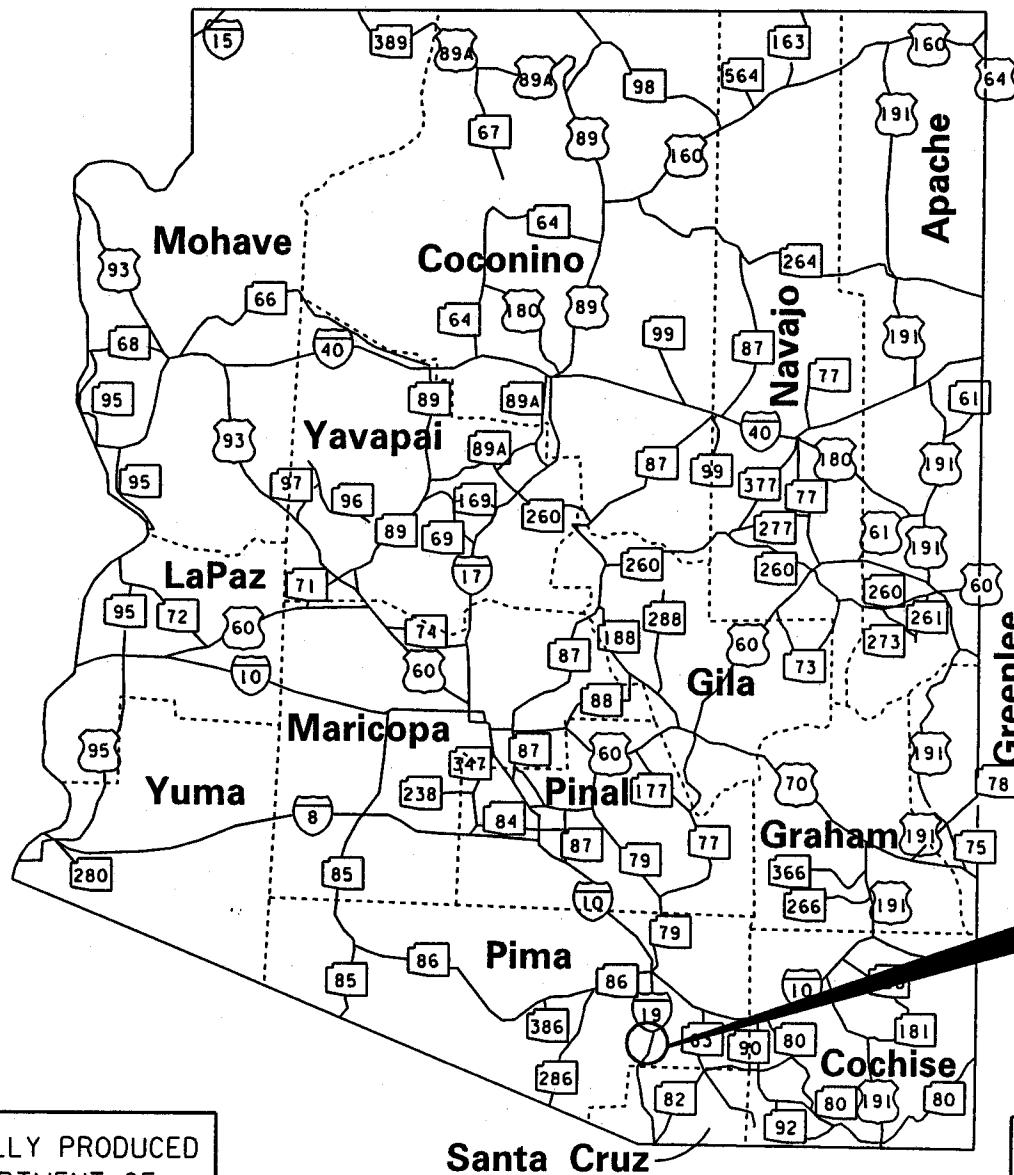
RESOLVED that the recommendation of the Director is adopted and made a part of this resolution; be it further

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RESOLVED that the portion of drainage easement right of way no longer needed for State transportation purposes, is removed by vacation and extinguishment from the State Transportation System; be it further

RESOLVED that the remaining portion of the drainage easement right of way not being disposed herein, shall remain in the State Transportation System for use as such.



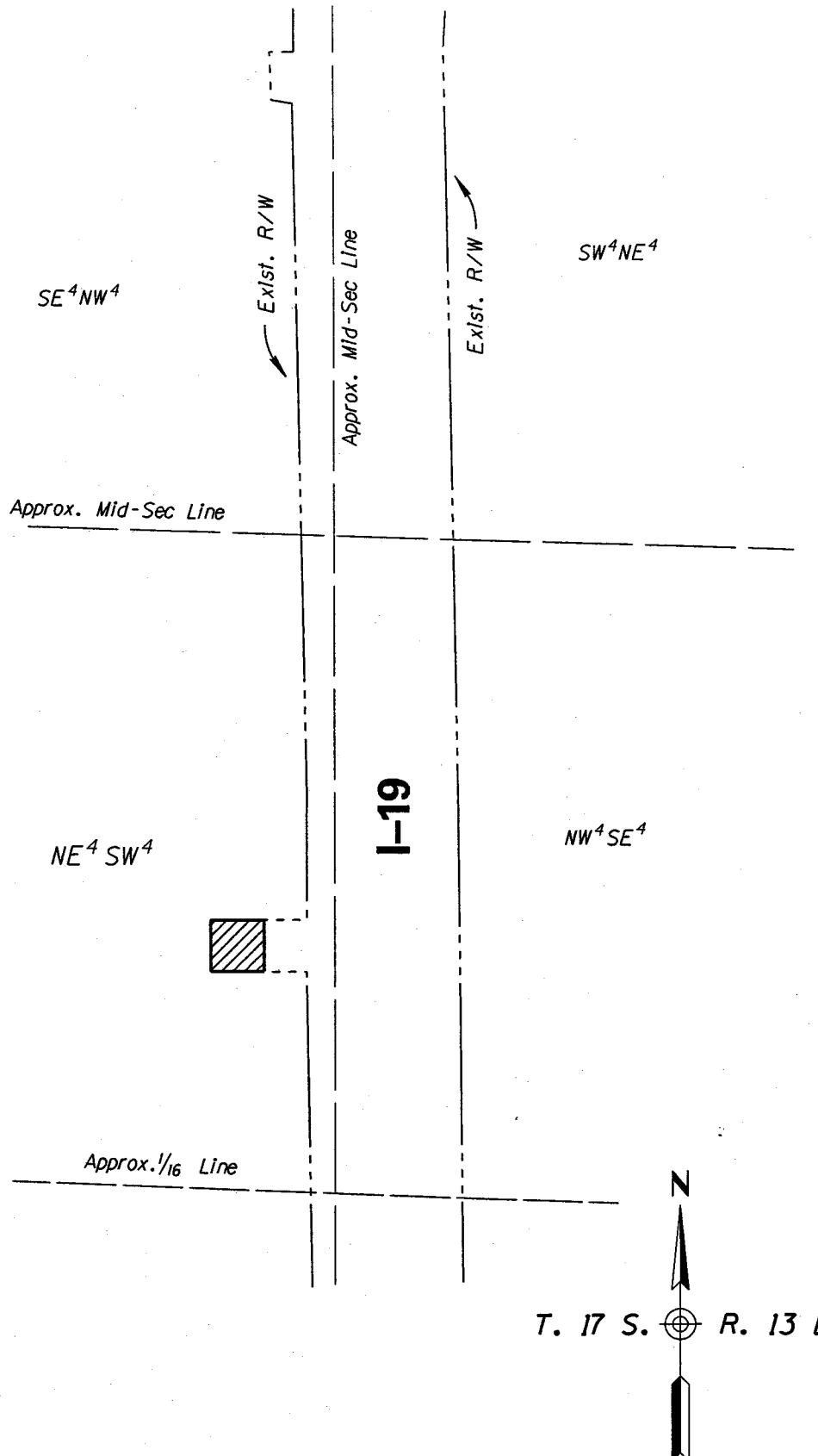
THIS PLAT WAS DIGITALLY PRODUCED
FROM ARIZONA DEPARTMENT OF
TRANSPORTATION
GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION
REVISED MAY 17, 2000

APPENDIX "A"

019 PM 044 H0888 01R /
1-19-1 (12)43 R/W
NOGALES-TUCSON HWY 1-19
Continental-Sahuarita Road
Pima County

DATE: DEC 20, 2002 SHEET: 1 OF 3



Section 26
District T

THIS PLAT WAS DIGITALLY PRODUCED
FROM ARIZONA DEPARTMENT OF
TRANSPORTATION
GENERAL HIGHWAY MAP

RIGHT OF WAY PLANS SECTION
REVISED JULY 17, 2000

AREA OF
VACATION
& EXTINGUISHMENT

APPENDIX "A"

019 PM 044 H0888 01R /
I-19-1 (12)43 R/W
NOGALES-TUCSON HWY I-19
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APPENDIX "A"

Sheet 3 of 3

That portion of the Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

Commencing at a 1 inch pipe marking the South quarter corner of said Section 26, which bears North 89°23'10" West 2637.90 feet from a Private Engineer's Lead Cap marking the Southwest corner of said Section 26;

thence along the South line of said Section 26, North 89°23'10" West 2.64 feet to the existing West right of way line of Interstate 19 (NOGALES – TUCSON HIGHWAY);

thence along said West right of way line, North 1°38'10" West 1778.79 feet, to the South line of an existing drainage easement;

thence along said existing South line, South 88°21'50" West 90.00 feet, to the POINT OF BEGINNING;

thence continuing along said existing South line, South 88°21'50" West 110.00 feet to the Southwest corner of said existing drainage easement;

thence along the West line of said drainage easement, North 1°38'10" West 100.00 feet to the Northwest corner of said existing drainage easement;

thence along the North line of said existing drainage easement, North 88°21'50" East 110.00 feet;

thence South 1°38'10" East 100.00 feet, to the POINT OF BEGINNING.

11,000 square feet, more or less.

Condition: The underlying fee owner acknowledges that due to the easement extinguishment herein, the property may be subject to flooding or erosion damage. The State of Arizona is held harmless due damages arising from said flood or erosion.

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REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Intermodal Transportation Division has made a thorough investigation concerning the disposal of a portion of a drainage easement for right of way originally acquired for use within the above referenced project.

This portion of Interstate Route 19 was previously established as an access controlled state highway, by the Arizona Highway Commission Resolution 67-37, dated May 12, 1967.

Said portion of drainage easement right of way is no longer required in the State Transportation System, nor will it be used for public highway purposes. Accordingly, I recommend that said portion of drainage easement right of way be removed from the State Transportation System by vacation and extinguishment thereof.

The portion of drainage easement right of way to be vacated and extinguished was acquired by Final Order of Condemnation, recorded January 31, 1972 in Book 4177, pages 332-337 and is depicted in Appendix "A" and delineated on maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona, entitled "Right of Way Plans, NOGALES - TUCSON Highway, Project I-19-1(12)43 / 019PM044H088801R."

All other rights of way, easements and appurtenances thereto, subject to the provisions of Arizona Revised Statutes Section 28-7210, shall continue as they existed prior to the disposal of the portion of easement right of way depicted in Appendix "A".

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Pursuant to Arizona Revised Statutes Sections 28-7046 and 28-7214, I recommend the adoption of a resolution making this recommendation effective.

Respectfully submitted,



VICTOR M. MENDEZ, Director
Arizona Department of Transportation

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CERTIFICATION

I, VICTOR M. MENDEZ, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on December 20, 2002.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on December 20, 2002.



VICTOR M. MENDEZ, Director
Arizona Department of Transportation