

DECEMBER 19, 2003

RES. NO. 2003-12-A-076
PROJECT: 600-8-804 / 202LMA000H540101R
HIGHWAY: RED MOUNTAIN FREEWAY
SECTION: Higley Road - U.S. 60
ROUTE NO.: State Route 202 Loop
ENG. DIST.: M
COUNTY: Maricopa

AMENDED RESOLUTION OF ESTABLISHMENT

VICTOR M. MENDEZ, Director, Arizona Department of Transportation, on December 19, 2003, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the amendment of Resolution 2003-05-A-025, recorded May 27, 2003 in Document No. 2003-0663258, to show a design change.

The amended right of way 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, RED MOUNTAIN FREEWAY, Project 600-8-804 / 202LMA000H540101R."

WHEREAS the design change requires a modification of the area to be acquired; and

WHEREAS public safety, necessity and convenience require the recommended amendment of Resolution 2003-05-A-025 to show said design change; therefore, be it

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

RESOLVED that Resolution 2003-05-A-025 is hereby amended, and that the modified area of right of way is designated a state route and state highway; be it further

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WHEREAS the design change requires a modification of the area to be acquired; and

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

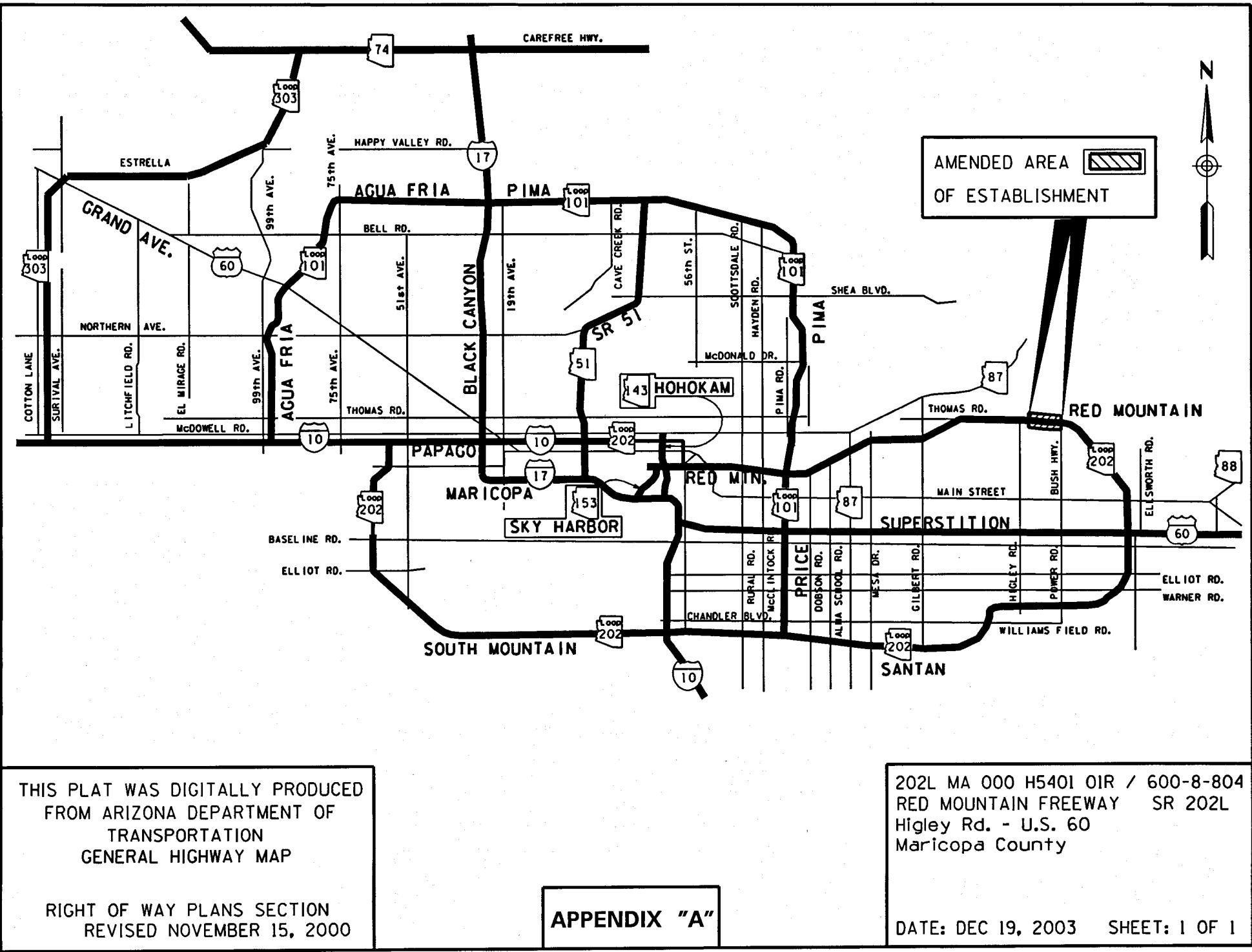
RESOLVED that Resolution 2003-05-A-025 is hereby amended, and that the modified area of right of way is designated a state route and state highway; be it further

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RESOLVED that the Director is authorized to acquire by lawful means, including exchanges, in accordance with Arizona Revised Statutes Section 28-7092, an estate in fee, or such other interest as is required, including material for construction, haul roads, and various easements in any property necessary for or incidental to the improvements as delineated on said maps and plans, including access control; be it further

RESOLVED that the Director secure an appraisal of the property to be acquired and that necessary parties be compensated. Upon failure to acquire the lands by other lawful means, the Director is authorized to initiate condemnation proceedings.



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REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Intermodal Transportation Division has made a thorough investigation concerning the amended establishment and improvement of State Route 202 Loop within the above referenced project.

This portion was previously established as a state route and state highway by Arizona Transportation Board Resolution 2003-05-A-025, dated May 9, 2003.

Due to design change, the area to be acquired has been modified. It is now necessary to amend the previous resolution to show the design change.

The amended right of way 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, RED MOUNTAIN FREEWAY, Project 600-8-804 / 202LMA000H540101R"

In the interest of public safety, necessity, and convenience, I recommend the amendment of Resolution 2003-05-A-025 recorded May 27, 2003 in Document No. 2003-0663258, and that the modified area of right of way depicted in Appendix "A" be established and improved as a state route and state highway.

I further recommend the acquisition of the modified right of way, including access control, material for construction, haul roads and various easements necessary for or incidental to the improvement.

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Pursuant to Arizona Revised Statutes Section 28-7046, 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 19, 2003.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on December 19, 2003.



VICTOR M. MENDEZ, Director
Arizona Department of Transportation