

ARIZONA DEPARTMENT OF TRANSPORTATION
205 SOUTH 17TH AVENUE
R/W Operations, MD 612E
PHOENIX, AZ 85007-3213

NOVEMBER 19, 2004

RES. NO. 2004-11-A-060
PROJECT: S-189-A-801 / 189SC000H528206R
HIGHWAY: NOGALES PRIMARY CONNECTION
SECTION: Nogales Port of Entry No. 2-52
ROUTE NO.: State Route 189
ENG. DIST.: Tucson
COUNTY: Santa Cruz

RESOLUTION OF ESTABLISHMENT

VICTOR M. MENDEZ, Director, Arizona Department of Transportation, on November 19, 2004, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the establishment and acquisition of additional right of way for the improvement of the existing Nogales Port of Entry No. 2-52 as set forth in the above referenced project.

The additional right of way to be established and acquired for this improvement 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 PRIMARY CONNECTION Highway, Project S-189-A-801 / 189SC000H528206R."

WHEREAS establishment and acquisition of the additional right of way is necessary for this improvement; and

WHEREAS because of these premises, this Board finds public safety, necessity and convenience require the recommended establishment and acquisition of the additional land needed for this improvement; therefore, be it

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

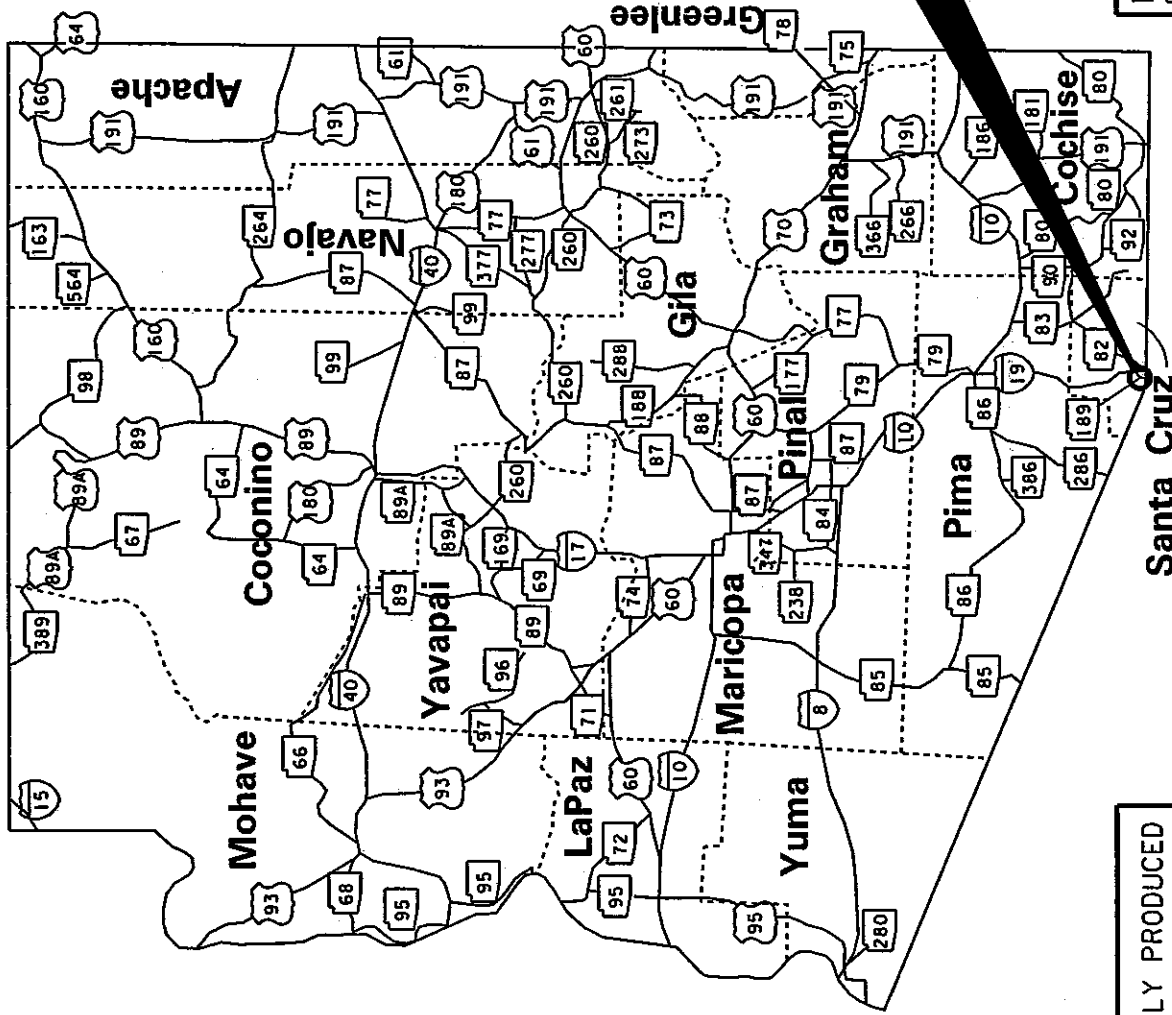
RESOLVED that the portion of right of way as depicted in Appendix "A" is hereby designated a state route and state highway; be it further

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RESOLVED that the Director is hereby 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; 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 said lands by other lawful means, the Director is authorized to initiate condemnation proceedings.



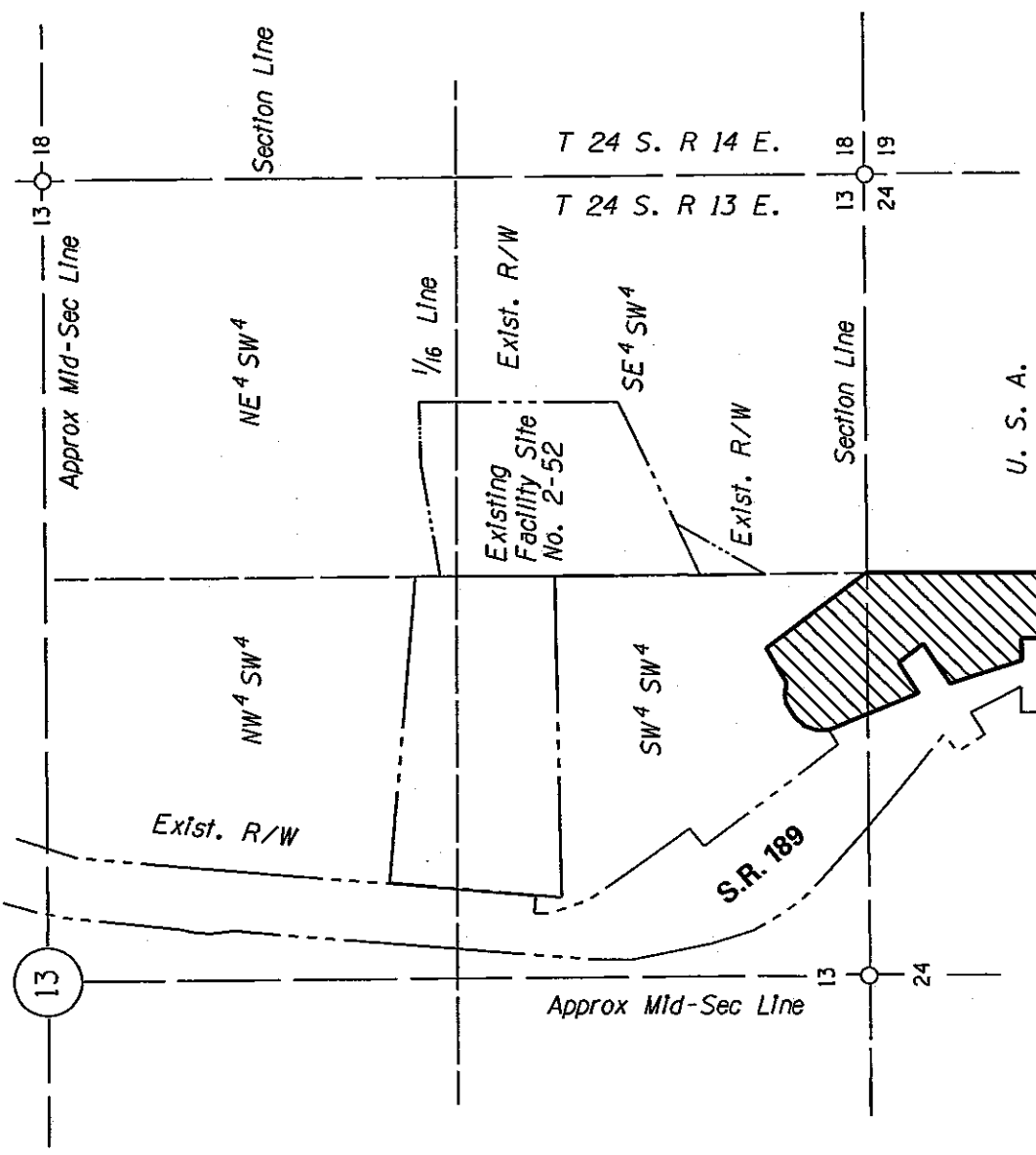
AREA OF ESTABLISHMENT
SEE SHEET 2 OF 2
FOR DETAILS


189 SC 000 H5282 06R / S-189-A-801
999 SW 000 H0889 01R / N-810-602
Statewide Facility Sites
NOGALES PRIMARY CONNECTION SR 189
Nogales Port of Entry F.S. #2-52
Santa Cruz County

APPENDIX "A"


THIS PLAT WAS DIGITALLY PRODUCED
FROM ARIZONA DEPARTMENT OF
TRANSPORTATION
GENERAL HIGHWAY MAP
RIGHT OF WAY PLANS SECTION
REVISED MAY 17, 2000

DATE: NOV 19, 2004 SHEET: 1 OF 2




T. 24 S. R. 13 E.
 Santa Cruz County
 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
 ESTABLISHMENT

APPENDIX "A"

189 SC 000 H5282 06R / S-189-A-801
 999 SW 000 H0889 OIR / N-810-602
 NOGALES PRIMARY CONNECTION SR 189
 Nogales Port of Entry F.S. #2-52
 Santa Cruz County

DATE: NOV 19, 2004 SHEET: 2 OF 2

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REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Intermodal Transportation Division has made a thorough investigation concerning the establishment and improvement of additional right of way for the existing Nogales Port of Entry No. 2-52 within the above referenced project.

This portion was previously established as a state route and state highway by Arizona Highway Commission Resolution 73-86, dated October 19, 1973; thereafter Arizona Transportation Board Resolution 2001-06-A-046, dated June 15, 2001 established and acquired additional right of way for improvements thereof.

Additional right of way is now needed for improvements to enhance safety for the traveling public. Accordingly, it is necessary to establish and acquire the additional right of way for this project.

The additional right of way to be established and acquired for this improvement 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 PRIMARY CONNECTION Highway, Project S-189-A-801 / 189SC000H528206R."

In the interest of public safety, necessity and convenience, I recommend that the area depicted in Appendix "A" be established and improved as a state route and state highway.

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor M. Mendez". The signature is written in a cursive style with a large initial "V".

VICTOR M. MENDEZ, Director
Arizona Department of Transportation

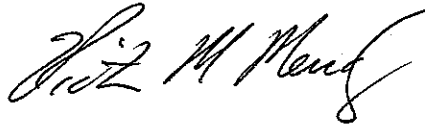
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CERTIFICATION

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 November 19, 2004.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on November 19, 2004.



VICTOR M. MENDEZ, Director
Arizona Department of Transportation