

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

February 20, 2009

RES. NO. 2009-02-A-003
PROJECT: 600-8-802 / 202LMA000H492101R
HIGHWAY: RED MOUNTAIN FREEWAY
SECTION: Country Club - Gilbert Road
ROUTE NO.: State Route 202 Loop
ENG. DIST.: Phoenix
COUNTY: Maricopa
DISPOSAL: D-M-414

RESOLUTION OF ABANDONMENT

JOHN S. HALIKOWSKI, Interim Director, Arizona Department of Transportation, on February 20, 2009, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the abandonment of a portion of Lehi Road within the above referenced project.

The portion of right of way to be abandoned 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 600-8-802 / 202LMA000H492101R."

WHEREAS said portion of right of way is no longer needed for state transportation purposes; and

WHEREAS this Board finds that public safety, necessity and convenience will be served by accepting the Interim Director's report; therefore, be it

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

RESOLVED that the portion of right of way depicted in Appendix "A" is hereby removed from the State Highway System and abandoned to City of Mesa for a continued public transportation use as provided in Arizona Revised Statute Section 28-7207 and 28-7209, and Code of Federal Regulations (CFR) 620 Subpart B and CFR 710 Subpart D; be it further

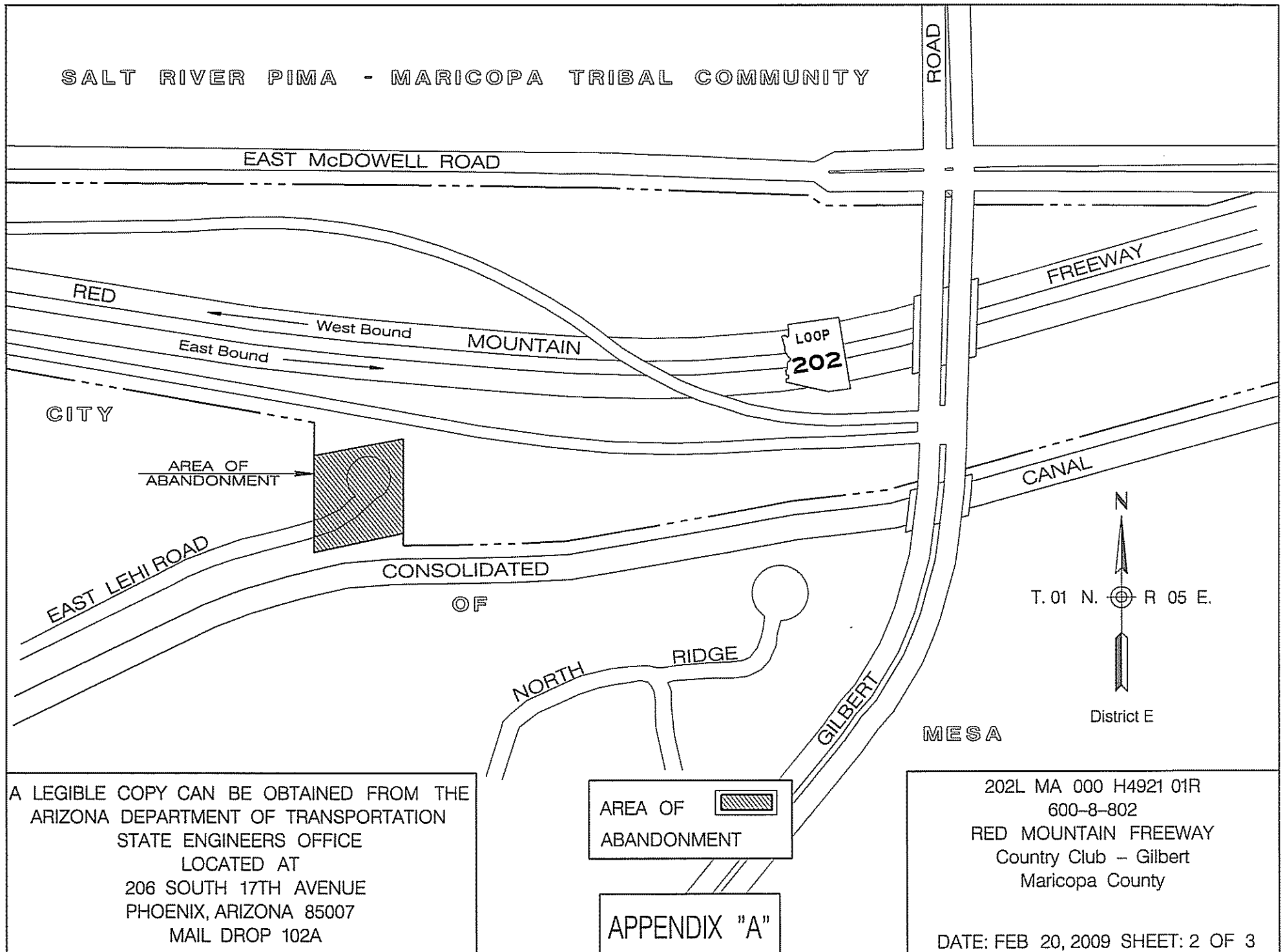
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RESOLVED that the abandonment becomes effective upon recordation in the Office of the County Recorder in accordance with Arizona Revised Statute Section 28-7213; be it further

RESOLVED that the Interim Director provide written notice to The City of Mesa evidencing the abandonment of the State's interest.

SALT RIVER PIMA - MARICOPA TRIBAL COMMUNITY



A LEGIBLE COPY CAN BE OBTAINED FROM THE
ARIZONA DEPARTMENT OF TRANSPORTATION
STATE ENGINEERS OFFICE
LOCATED AT
206 SOUTH 17TH AVENUE
PHOENIX, ARIZONA 85007
MAIL DROP 102A

202L MA 000 H4921 01R
600-8-802
RED MOUNTAIN FREEWAY
Country Club - Gilbert
Maricopa County

DATE: FEB 20, 2009 SHEET: 2 OF 3

APPENDIX "A"

That portion of the Northeast quarter (NE¼) of Section 1, Township 1 North, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at a ½ inch rebar with no tag marking the North quarter corner of said Section 1, which bears North 0°08'07" East 2748.01 feet from a 3 inch City of Mesa brass cap marking the Center quarter corner of said Section 1;

thence along the North – South mid-section line of said Section 1, South 0°08'07" West 493.05 feet to the existing southerly right of way line of State Route 202L (RED MOUNTAIN FREEWAY);

thence along said existing southerly right of way line, South 85°21'40" East 44.58 feet;

thence continuing along said existing southerly right of way line, South 83°31'57" East 696.52 feet;

thence continuing along said existing southerly right of way line, South 80°48'33" East 631.61 feet;

thence continuing along said existing southerly right of way line, South 5°06'19" West 38.22 feet to the POINT OF BEGINNING;

thence continuing South 5°06'19" West 72.74 feet;

thence South 9°36'14" East 48.60 feet;

thence North 77°53'15" East 68.92 feet;

thence from a Local Tangent Bearing of North 80°29'18" East, along a curve to the Right, having a radius of 1567.50 feet, a length of 74.33 feet to said existing southerly right of way line of State Route 202L;

thence along said existing southerly right of way line, North 7°48'05" West 113.84 feet;

thence continuing along said existing southerly right of way line, South 82°11'55" West 128.33 feet to the POINT OF BEGINNING.

There shall be no right or easement of access to, from or between the parcel of land described above and State Route 202L (RED MOUNTAIN FREEWAY).

16,059 square feet, more or less.

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REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Intermodal Transportation Division has made a thorough investigation concerning the abandonment of a portion of right of way acquired for State Route 202 Loop within the above referenced project.

This portion was previously established as a state route designated State Route 216 by Arizona Department of Transportation Board Resolution 85-04-A-32, dated April 26, 1985; Resolution 87-11-A-105, dated December 18, 1987 redesignated State Route 216 to State Route 202 Loop; Resolution 88-12-A-115, dated December 16, 1988 authorized advance acquisition and refined a portion of the State Route Plan; Resolution 2000-02-A-011, dated February 18, 2000 established State Route 202 Loop as a state highway; Resolution 2000-06-A-055, dated June 9, 2000 amended Resolution 2000-02-A-011 due to a design change.

A portion of the previously acquired right of way is no longer needed for state transportation purposes. The City of Mesa has agreed to accept jurisdiction of the right of way for a continued public transportation purpose by waiving the advance four year notice of abandonment and pavement quality report in accordance with Arizona Revised Statute 28-7209. Accordingly, I recommend that the State's interest in the portion of right of way be abandoned.

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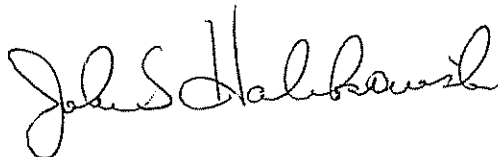
The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on the maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona, entitled "Right of Way Plans, RED MOUNTAIN FREEWAY, Project 600-8-802 / 202LMA000H492101R."

I further recommend that the portion of right of way depicted in Appendix "A" be removed from the State Highway System and abandoned to the City of Mesa for a continued public transportation use.

All other rights of way and 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 right of way depicted in Appendix "A".

Pursuant to Arizona Revised Statutes Section 28-7046, I recommend that the Transportation Board adopt a resolution making this recommendation effective.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John S. Halikowski". The signature is fluid and cursive, with the first name "John" and last name "Halikowski" clearly distinguishable.

JOHN S. HALIKOWSKI, Interim Director
Arizona Department of Transportation

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CERTIFICATION

I, JOHN S. HALIKOWSKI, Interim 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 February 20, 2009.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on February 20, 2009.

A handwritten signature in black ink, appearing to read "John S. Halikowski". The signature is fluid and cursive, with the first name "John" being more prominent than the last name.

JOHN S. HALIKOWSKI, Interim Director
Arizona Department of Transportation