

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

July 17, 2009

RES. NO. 2009-07-A-049
PROJECT: 600-0-701 / 101LMA002H081103R
HIGHWAY: AGUA FRIA FREEWAY
SECTION: Jct. I-10 - Glendale Avenue
ROUTE NO.: State Route 101 Loop
ENG. DIST.: Phoenix
COUNTY: Maricopa
DISPOSAL: D-M-398

RESOLUTION OF ABANDONMENT

JOHN S. HALIKOWSKI, Director, Arizona Department of Transportation, on July 17, 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 McDowell Road and a portion of 99th Avenue 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, AGUA FRIA FREEWAY highway, Project 600-0-701 / 101LMA002H081103R."

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 Director's report; therefore, be it

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

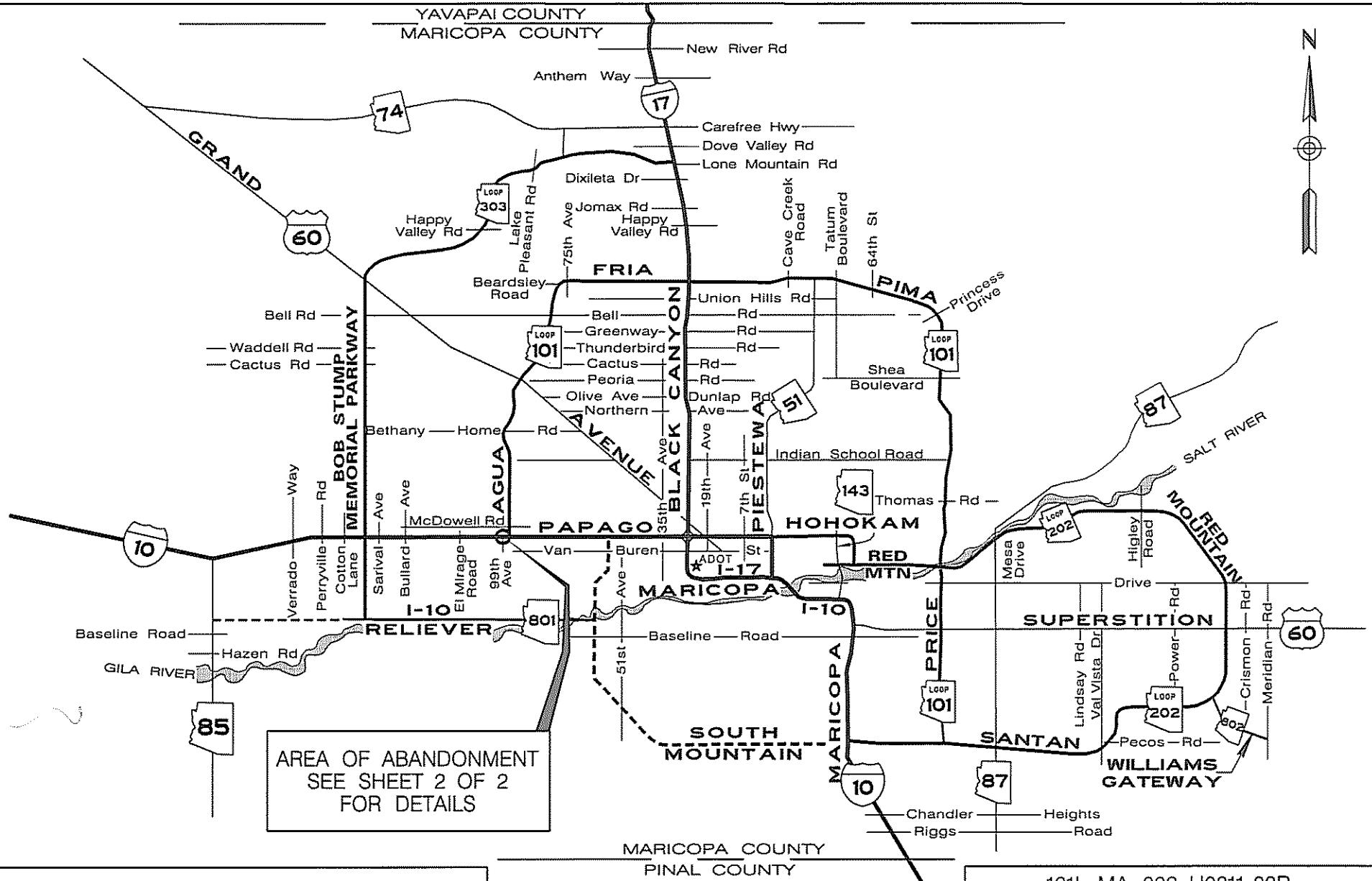
RESOLVED that the portion of right of way depicted in Appendix "A" is hereby removed from the State Highway System and abandoned to the Cities of Phoenix, Avondale and Tolleson for a continued public transportation use as provided in Arizona Revised Statute Section 28-7207 and 28-7209, and Code of Federal 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 Director provide written notice to Cities of Phoenix, Avondale and Tolleson evidencing the abandonment of the State's interest.

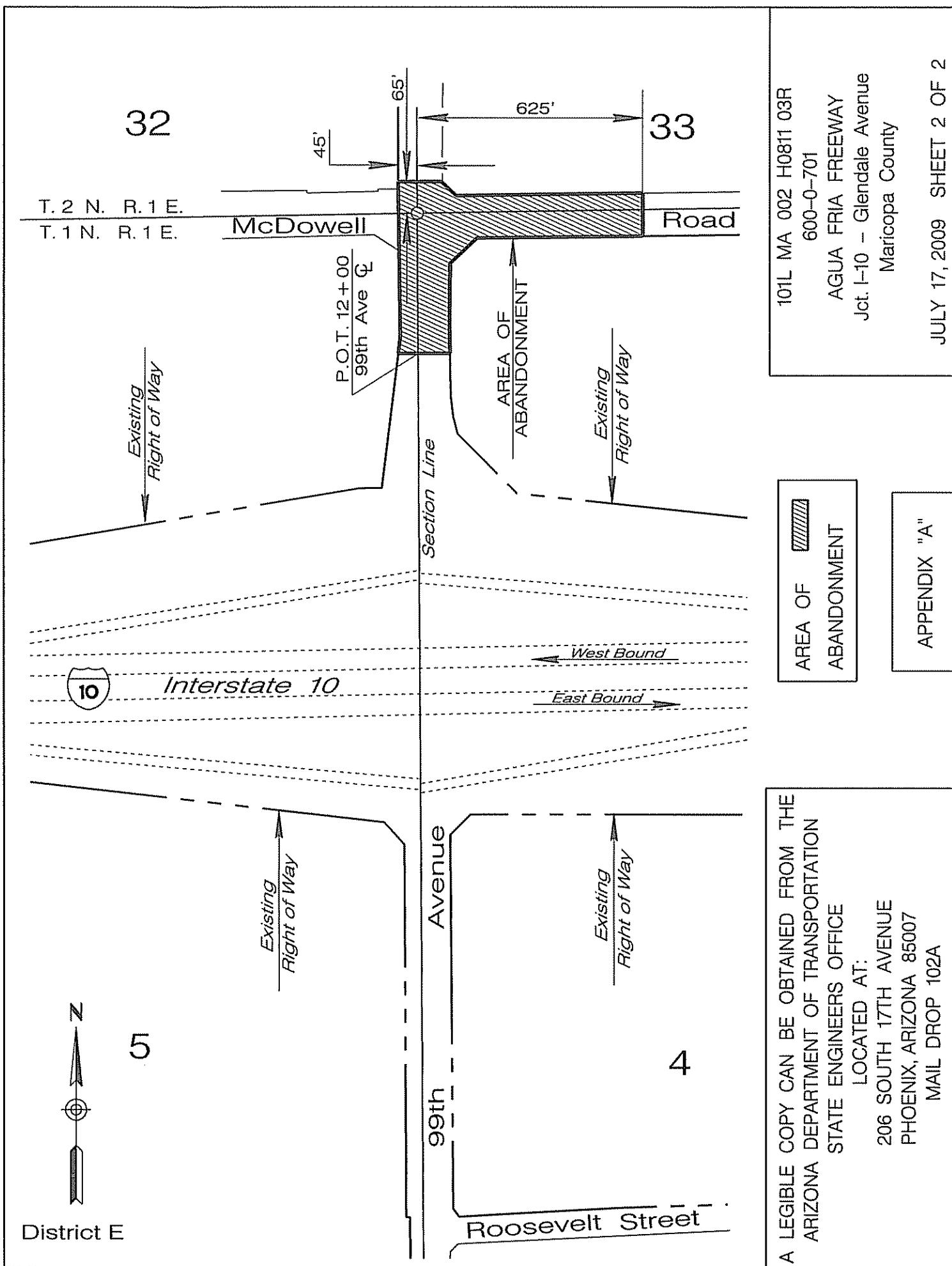


A LEGIBLE COPY CAN BE OBTAINED FROM THE
ARIZONA DEPARTMENT OF TRANSPORTATION
STATE ENGINEERS OFFICE
LOCATED AT
206 SOUTH 17TH AVENUE
PHOENIX, ARIZONA 85007
MAIL DROP 102A

APPENDIX "A"

101L MA 002 H0811 03R
600-0-701
AGUA FRIA FREEWAY
Jct. I-10 - Glendale Avenue
Maricopa County

JULY 17, 2009 SHEET 1 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 abandonment of a portion of right of way acquired for State Route 101 Loop within the above referenced project.

This portion was previously established as a state route and state highway by Arizona Department of Transportation Resolution 78-15-A-049 dated September 22, 1978; Resolution 84-11-A-073 dated November 16, 1984, established advance acquisition of the State Route Plan designating it State Route 417; Resolution 87-11-A-105 dated December 18, 1987, redesignated State Route 417 to State Route 101 Loop, Resolutions 88-10-A-092 dated October 21, 1988; and 98-06-A-021 dated June 19, 1998, established additional right of way for improvements thereof.

A portion of the previously acquired right of way is no longer needed for state transportation purposes. The Cities of Phoenix, Avondale and Tolleson have agreed to accept jurisdiction of the right of way for a continued public transportation use by the 120-day advance notice dated March 6, 2009. Accordingly, I recommend that the State's interest in the portion of right of way be abandoned.

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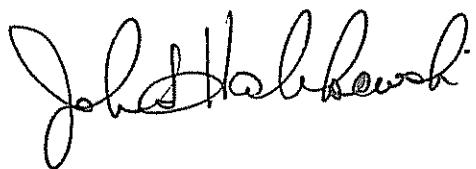
The portion of right of way to be abandoned is depicted in Appendix "A" and delineated on the maps and plans on file in the office of the State Engineer, Intermodal Transportation Division, Phoenix, Arizona, entitled "Right of Way Plans, AGUA FRIA FREEWAY Highway, Project 600-0-701 / 101LMA002H081103R."

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 Cities of Phoenix, Avondale and Tolleson.

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,



JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation

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CERTIFICATION

I, JOHN S. HALIKOWSKI, 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 July 17, 2009.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on July 17, 2009.



JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation