

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

November 20, 2009

RES. NO. 2009-11-A-076
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

AMENDED RESOLUTION OF ABANDONMENT

JOHN S. HALIKOWSKI, Director, Arizona Department of Transportation, on November 20, 2009, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the amendment of Resolution 2009-07-A-049.

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, AGUA FRIA FREEWAY, 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 of the recommended amendment for Resolution 2009-07-A-049, dated July 17, 2009, recorded July 21, 2009 in Document # 2009-0669114; therefore, be it

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

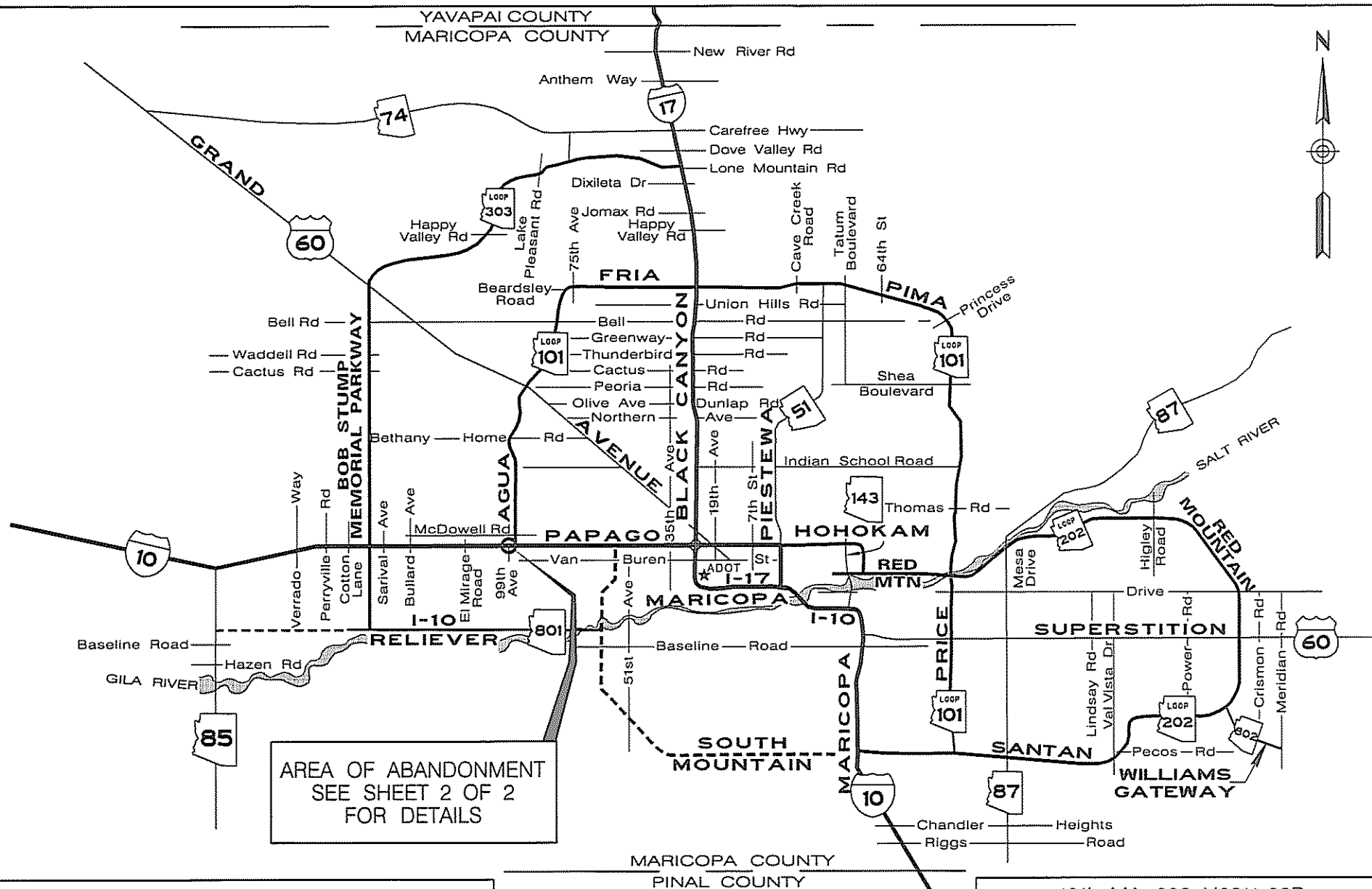
RESOLVED that the portion of right of way depicted in Appendix "A" is hereby removed from the State Highway System and abandoned to the City of Avondale for a continued public transportation use as provided in Arizona Revised Statute Section 28-7207 and 28-7209, and Code of Federal Regulations CFR 620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

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RESOLVED that the amended 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 the City of Avondale evidencing the amended abandonment of the State's interest.

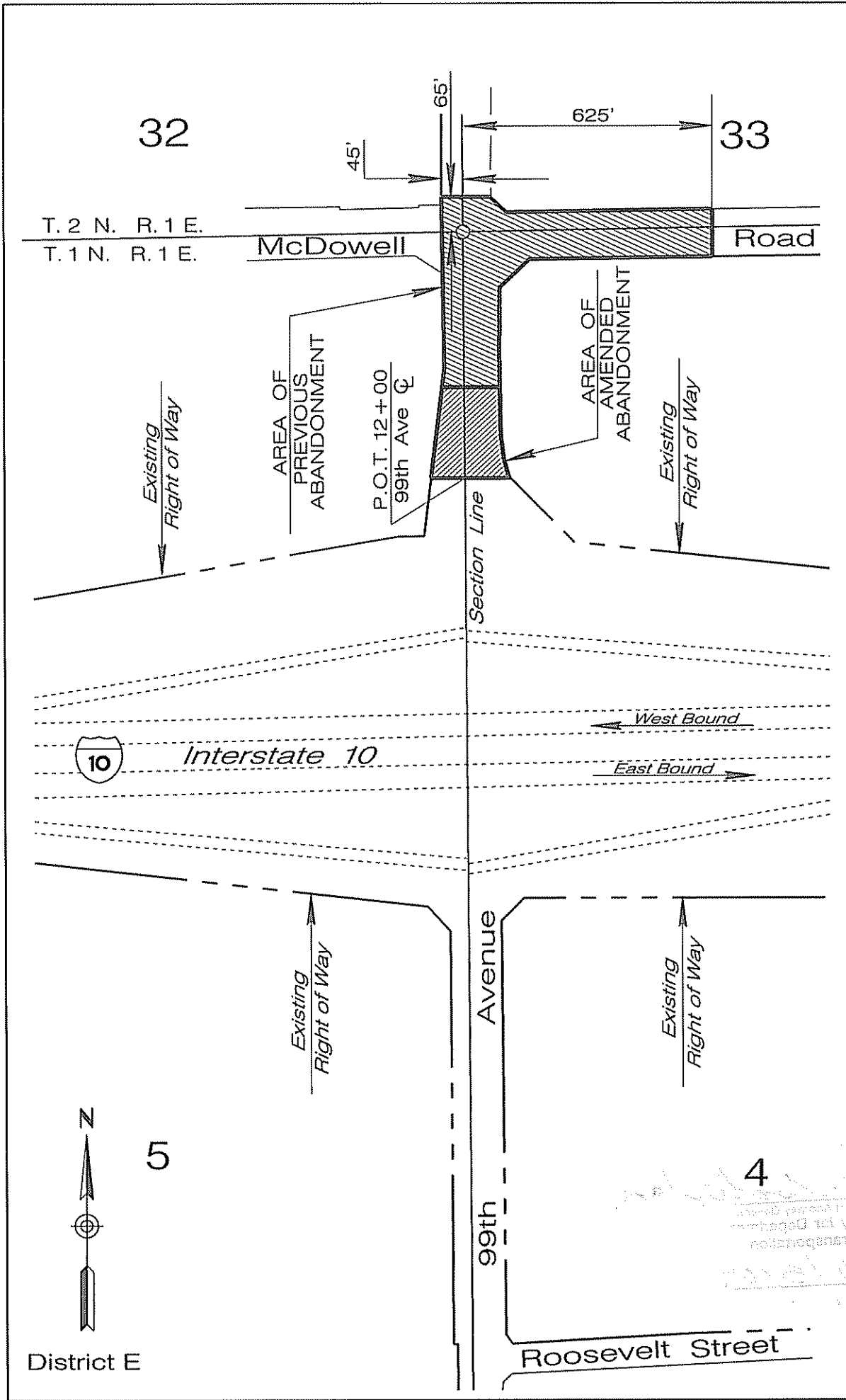


A LEGIBLE COPY CAN BE OBTAINED FROM THE
ARIZONA DEPARTMENT OF TRANSPORTATION
STATE ENGINEERS OFFICE
LOCATED AT
206 SOUTH 17TH AVENUE
PHOENIX, ARIZONA 85007
MAIL DROP 102A

APPENDIX "A"

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

NOV. 20, 2009 SHEET 1 OF 2



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600-0-701
AGUA FRIA FREEWAY
Jct. I-10 - Glendale Avenue
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AREA OF
AMENDED
ABANDONMENT

AREA OF
PREVIOUS
ABANDONMENT

APPENDIX "A"

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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 abandonment of a portion of State Route 101 Loop within the above referenced project.

This portion was previously established as a state route and state highway by Arizona Transportation Board 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; Resolution 2009-07-A-049 dated July 17, 2009 abandoned a portion of 99th Avenue thereof.

A portion of the previously acquired right of way is no longer needed for state transportation purposes. The City of Avondale has agreed to accept jurisdiction of the right of way for a continued public transportation use by the 120-day advance notice dated October 1, 2009. Accordingly, I recommend that the State's interest in the portion of right of be abandoned.

The amended portion 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, AGUA FRIA FREEWAY, Project 600-0-701 / 101LMA002H081103R."

In the interest of public safety, necessity, and convenience, I recommend the amendment of Resolution 2009-07-A-049 recorded July 21, 2009 in Document # 2009-0669114, and that the modified area of right of way depicted in Appendix "A" be abandoned.

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I further recommend that the portion of the right of way depicted in Appendix "A" be removed from the State Highway System and abandoned to the City of Avondale.

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 the Transportation Board adopt a resolution making this recommendation effective.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John S. Halikowski", written in a cursive style.

JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation

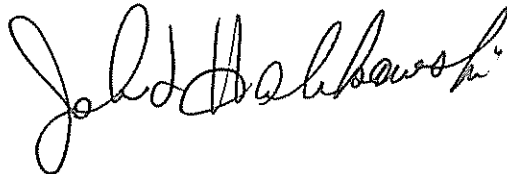
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CERTIFICATION

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 November 20, 2009.

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

JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation