

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

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ELECTRONIC RECORDING

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

January 21, 2011

RES. NO. 2011-01-A-005
PROJECT: 101LMA000H726701R
HIGHWAY: AGUA FRIA FREEWAY
SECTION: S.R. 101L t 99th Ave., I-10 to M.C. 85
ROUTE NO.: State Route 101 Loop
ENG. DIST.: Phoenix
COUNTY: Maricopa

AMENDED RESOLUTION OF ESTABLISHMENT

JOHN S. HALIKOWSKI, Director, Arizona Department of Transportation, on January 21, 2011, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-7046, recommending the amendment of Resolution 2010-04-A-032, dated April 16, 2010 for the improvement of State Route 101 Loop.

The amended right of way to be acquired for this improvement, to include access control, 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 101LMA000H726701R."

WHEREAS establishment and acquisition of the new right of way as an amended state route and state highway is necessary for this improvement, and includes authorization pursuant to Arizona Revised Statutes Sections 28-7092 and 28-7094 an estate in fee, or such other interest as required, to include advance, future and early acquisition, access control, exchanges, donations and 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; and

WHEREAS because of these premises, this Board finds public safety, necessity and convenience require the recommended amended establishment and acquisition of the new right of way as a state route and state highway needed for this improvement and that access to the highway be controlled as delineated on the maps and plans; and

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WHEREAS the existing county, town or city roadways as delineated on said maps and plans are hereby established as an state route and state highway by this Resolution action and that no further conveying document is required; therefore, be it

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

RESOLVED that the right of way depicted in Appendix "A" is hereby designated an amended state route and state highway, to include any existing county, town or city roadways, and that ingress and egress to and from the highway and to and from abutting, adjacent, or other lands be denied, controlled or regulated as delineated on said maps and plans. Where no access is shown, none will be allowed to exist; be it further

RESOLVED that the Director is hereby authorized to acquire by lawful means pursuant to Arizona Revised Statutes Sections 28-7092 and 28-7094 an estate in fee, or such other interest as required, to include advance, future and early acquisition, access rights, exchanges or donations, 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 written notice be provided to the County Board of Supervisors in accordance with Arizona Revised Statute 28-7043, and to the affected governmental jurisdictions for whose local existing roadways are being immediately established as an amended state route and state highway herein; be it further

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RESOLVED that the Director secure an appraisal of the property to be acquired, including access rights, and that necessary parties be compensated; With the exception of any existing county, town or city roadways being immediately established herein as a state route and state highway. Upon failure to acquire said 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 of new right of way as a state route and state highway for the improvement of State Route 101 Loop within the above referenced project.

Amendment of Arizona Transportation Board Resolution 2010-04-A-032, dated April 16, 2010 is required to facilitate relocation of irrigation structures for this highway improvement project. Accordingly, it is necessary to establish and acquire the new right of way as an amended state route and state highway, and that access be controlled as necessary for this improvement project.

The amended new right of way to be established and acquired as a state route and state highway for this improvement, to include access control as necessary, 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 101LMA000H726701R."

In the interest of public safety, necessity and convenience, I recommend the amendment of Resolution 2010-04-A-032, dated April 16, 2010, depicted in Appendix "A" as a state route and state highway, and that access is controlled as delineated.

January 21, 2011

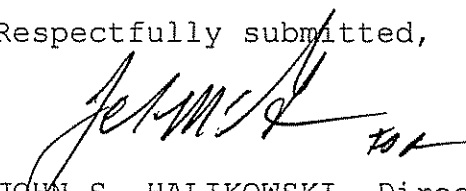
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I recommend the amended acquisition of the new right of way pursuant to Arizona Revised Statutes Sections 28-7092 and 28-7094, an estate in fee, or such other interest as required, including advance, future and early acquisition, access rights, exchanges or donations, or such other interest as is required, including material for construction, haul roads and various easements necessary for or incidental to the improvements as delineated on said maps and plans.

I further recommend the immediate amended establishment of existing county, town and city roadways into the state highway system as a controlled access state route and state highway which are necessary for or incidental to the improvement as delineated on said maps and plans, to be effective upon signing of this recommendation. This Resolution is considered the conveying document for such existing county, town and city roadways and no further conveyance is legally required.

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

Respectfully submitted,



JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation

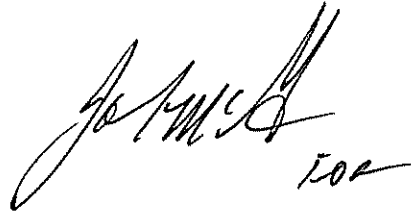
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CERTIFICATION

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 January 21, 2011.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on January 21, 2011.



JOHN S. HALIKOWSKI, Director
Arizona Department of Transportation

APPROVED

Assistant Attorney General
Arizona Department of Transportation

