

When recorded mail to:

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-006
PROJECT: 101LMA015H745601R
HIGHWAY: AGUA FRIA FREEWAY
SECTION: Bell Road Right Turn Lanes
ROUTE NO.: State Route 101 Loop
ENG. DIST.: Phoenix
COUNTY: Maricopa

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 establishment and acquisition of new right of way as a state highway for the improvement of State Route 101 Loop as set forth in the above referenced project.

The new right of way to be established as a state highway 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, AGUA FRIA FREEWAY, Project 101LMA015H745601R."

WHEREAS establishment and acquisition of the new right of way as a 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, including 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

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WHEREAS because of these premises, this Board finds public safety, necessity and convenience require the recommended establishment and acquisition of the new right of way as a state highway needed for this improvement; and

WHEREAS the existing county, town or city roadways as delineated on said maps and plans are hereby established as a 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 a state highway, to include any existing county, town or city roadways necessary for or incidental to the improvements as delineated on said maps and plans; be it further

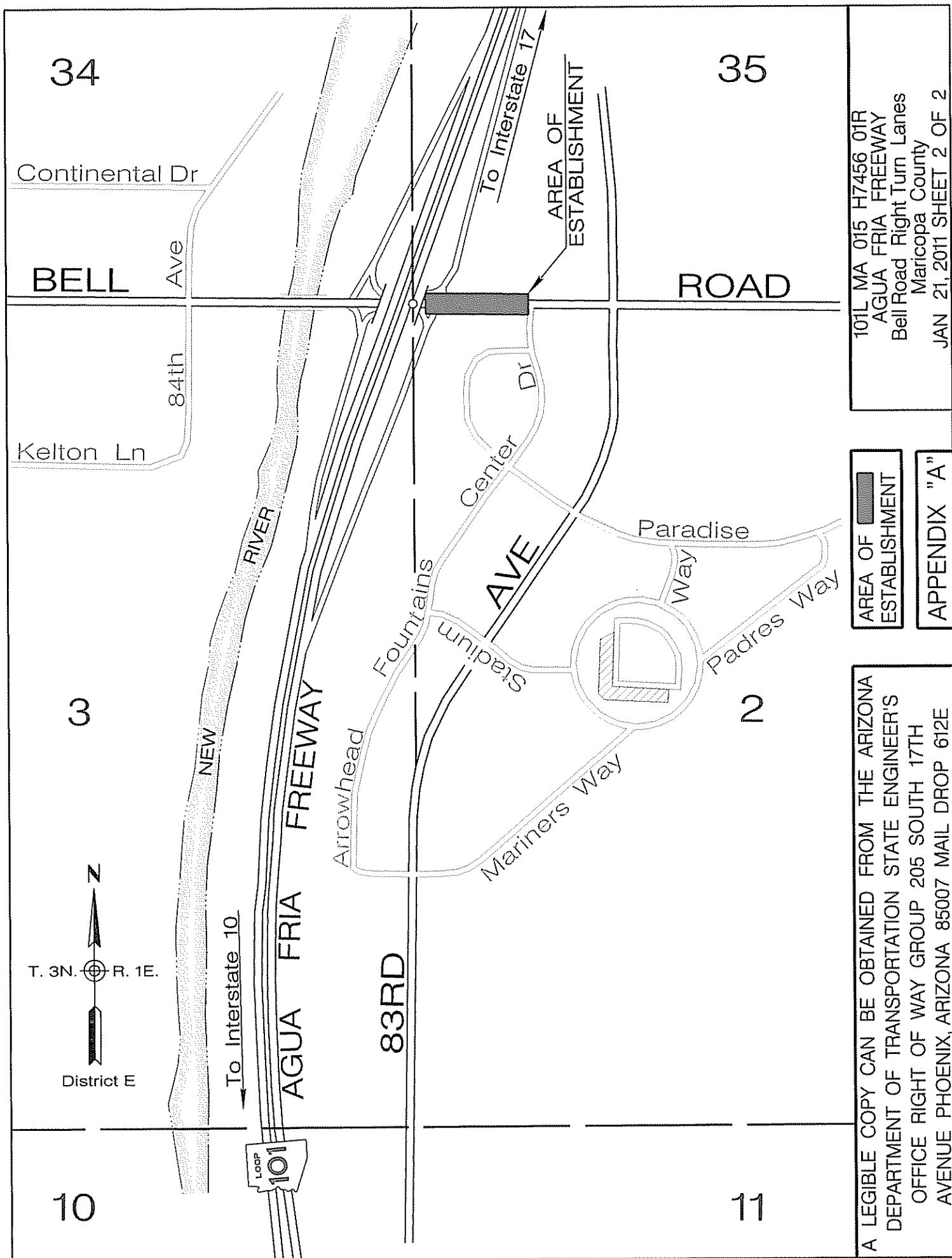
RESOLVED that the Director is hereby authorized to acquire by lawful means pursuant to Arizona Revised Statutes Sections 28-7092 and 28-7094 an estate in fee, or such other interest as required, to include advance, future and early acquisition, access rights, exchanges or donations, or such other interest 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 state highway herein; be it further

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RESOLVED that the Director secure appraisals of the properties 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 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 establishment of new right of way as a state highway for the improvement of State Route 101 Loop within the above referenced project.

The existing alignment was previously established by the Arizona Transportation Board Resolution 83-03-A-10 dated February 18, 1983 that adopted the State Route Plan for an Outer Loop as S.R. 417; Resolution 84-10-A-69 dated October 26, 1984 established the advance acquisition for S.R. 417 corridor right of way and appropriate controlled access; Resolution 84-12-A-78 dated December 17, 1984 established the advance acquisition for S.R. 417 corridor right of way and appropriate controlled access; Resolution 86-13-A-79 dated December 19, 1986 established S.R. 417 as a state highway; Resolution 87-11-A-105 dated December 18, 1987 adopted and redesignated the route number to S.R. 101L; Resolution 88-10-A-93 dated October 21, 1988 established S.R. 101L as a state highway and Resolution 2010-12-A-092, dated December 17, 2010, established new right of way for improvements thereof.

New right of way is now needed to improve roadway safety by constructing right turn lanes. Additionally, the construction phase is imminent and it is necessary to establish and acquire the new right of way as a new state highway for this improvement project.

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The new right of way to be established as a state highway and acquired for this improvement and 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 101LMA015H745601R."

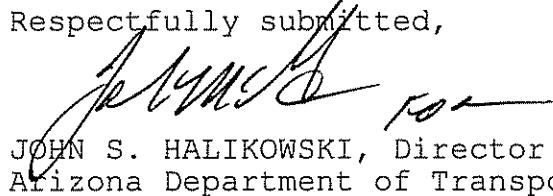
In the interest of public safety, necessity and convenience, I recommend that the new right of way depicted in Appendix "A" be established as a state highway.

I recommend the 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 improvement.

I further recommend the immediate establishment of existing county, town and city roadways into the state highway system as a 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

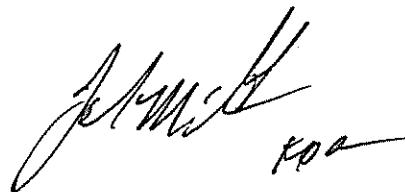
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CERTIFICATION

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

