

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

February 18, 2011

RES. NO. 2011-02-A-011  
PROJECT: 101LMA009H555102R  
HIGHWAY: AGUA FRIA FREEWAY  
SECTION: Olive Avenue  
ROUTE NO.: State Route 101 Loop  
ENG. DIST.: Phoenix  
COUNTY: Maricopa

RESOLUTION OF ESTABLISHMENT

JOHN S. HALIKOWSKI, Director, Arizona Department of Transportation, on February 18, 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 route and 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 route and 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 101LMA009H555102R."

WHEREAS establishment and acquisition of the new right of way as a 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, including exchanges and 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 establishment and acquisition of the new right of way as a state route and state highway needed for this improvement; and

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WHEREAS the existing county, town or city roadways as delineated on said maps and plans are hereby established as a 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

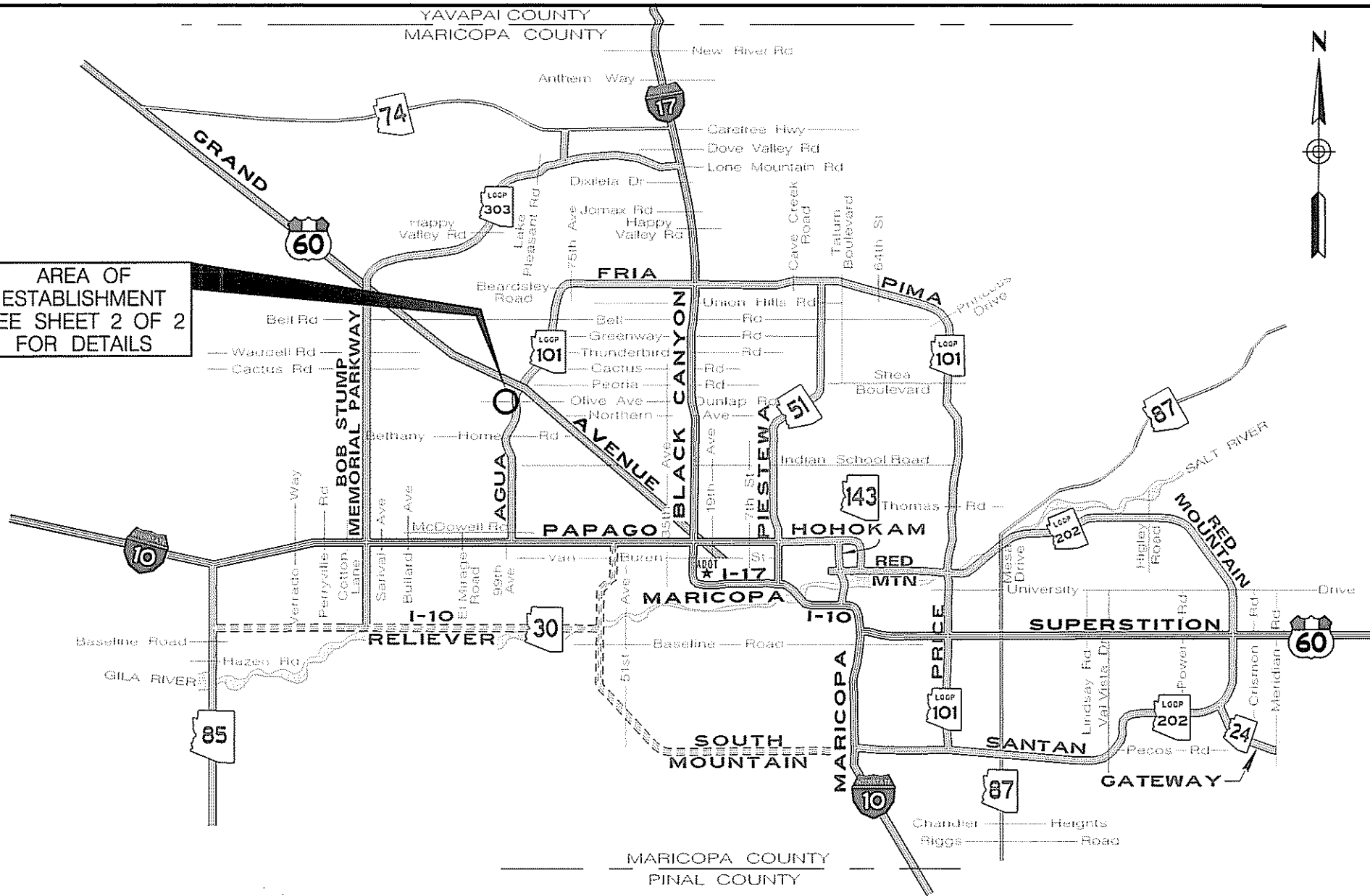
RESOLVED that the right of way depicted in Appendix "A" is hereby designated a state route and state highway, to include any existing county, town or city roadways necessary for or incidental to the improvements as delineated on said maps and plans; be it further

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, including exchanges and 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; 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 a state route and state highway herein; be it further

RESOLVED that the Director secure an appraisal of the property to be acquired 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.

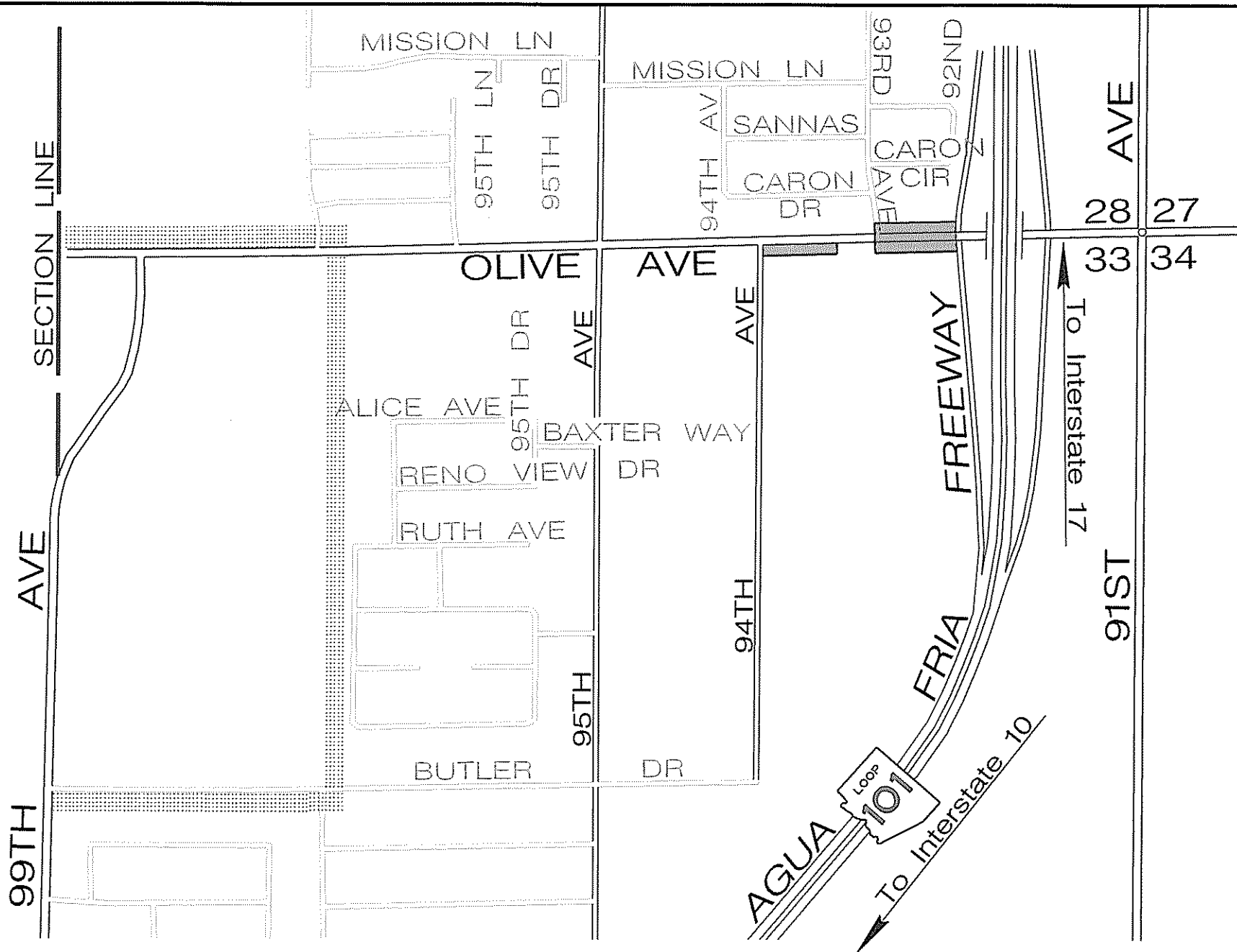
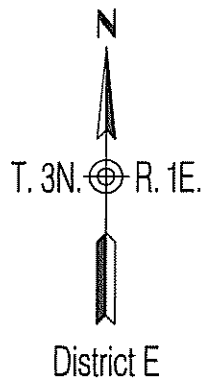
AREA OF  
ESTABLISHMENT  
SEE SHEET 2 OF 2  
FOR DETAILS



A LEGIBLE COPY CAN BE OBTAINED FROM THE ARIZONA  
DEPARTMENT OF TRANSPORTATION STATE ENGINEER'S  
OFFICE RIGHT OF WAY GROUP 205 SOUTH 17TH  
AVENUE PHOENIX, ARIZONA 85007 MAIL DROP 612E

**APPENDIX "A"**

101L MA 009 HH5551 02R  
AGUA FRIA FREEWAY  
Olive Avenue  
Maricopa County  
FEB 18, 2011 SHEET: 1 OF 2



A LEGIBLE COPY CAN BE OBTAINED FROM THE ARIZONA  
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AREA OF   
ESTABLISHMENT

APPENDIX "A"

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AGUA FRIA FREEWAY  
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FEB 18, 2011 SHEET 2 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 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.

The existing alignment was previously accepted and taken into the State System by Arizona Transportation Board Resolution dated February 3, 1978, page 80; Resolution 84-08-A-046, dated August 24, 1984, established this portion as a State Route Plan and was included in the Five Year Construction Program; Resolution 87-05-A-40, dated May 22, 1987 established additional right of way as a state route and state highway; and Resolution 87-11-A-105, dated December 18, 1987, redesignated State Route 417 as State Route 101 Loop; thereafter, various Resolutions established additional right of way for improvements thereof.

New right of way is now needed for widening improvements in accordance with the Intergovernmental Agreement No. 09-179-I dated January 13, 2010. Accordingly, it is necessary to establish and acquire the new right of way as a state route and state highway for this improvement project.

The new right of way to be established and acquired as a state route and state highway for necessary improvements 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 101LMA009H555102R."

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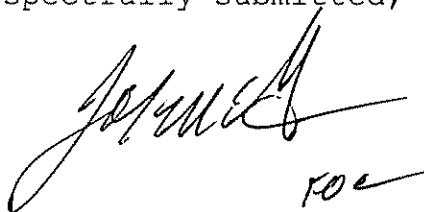
In the interest of public safety, necessity and convenience, I recommend that the new right of way depicted in Appendix "A" be established as a state route and state highway.

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, to include advance, future and early acquisition, including exchanges and donations and 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 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,

A handwritten signature in black ink, appearing to read 'John S. Halikowski', with a stylized flourish at the end. Below the signature, the letters 'JSH' are handwritten.

JOHN S. HALIKOWSKI, Director  
Arizona Department of Transportation

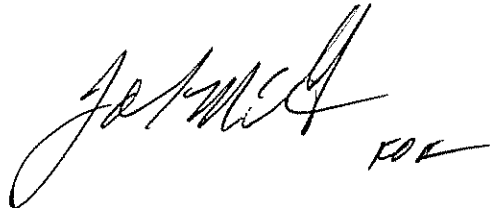
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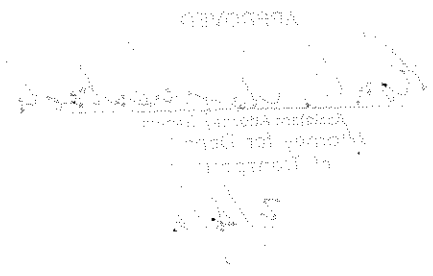
CERTIFICATION

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 February 18, 2011.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on February 18, 2011.

A handwritten signature in black ink, appearing to read "John S. Halikowski", with a stylized flourish at the end.

JOHN S. HALIKOWSKI, Director  
Arizona Department of Transportation

A faint, circular official stamp of the Arizona Department of Transportation. The text "ARIZONA DEPARTMENT OF TRANSPORTATION" is visible around the perimeter. In the center, there is a signature and the date "2/18/11".