

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

June 17, 2011

RES. NO. 2011-06-A-040  
PROJECT: S 189-A-801 / 189SC000H528206R  
HIGHWAY: NOGALES PRIMARY CONNECTION  
SECTION: Nogales Port of Entry  
ROUTE NO.: State Route 189  
ENG. DIST.: Tucson  
COUNTY: Santa Cruz

RESOLUTION OF ESTABLISHMENT

JOHN S. HALIKOWSKI, Director, Arizona Department of Transportation, on June 17, 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 189 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, NOGALES PRIMARY CONNECTION Highway, Project S 189-A-801 / 189SC000H528206R."

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

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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 route and 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 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

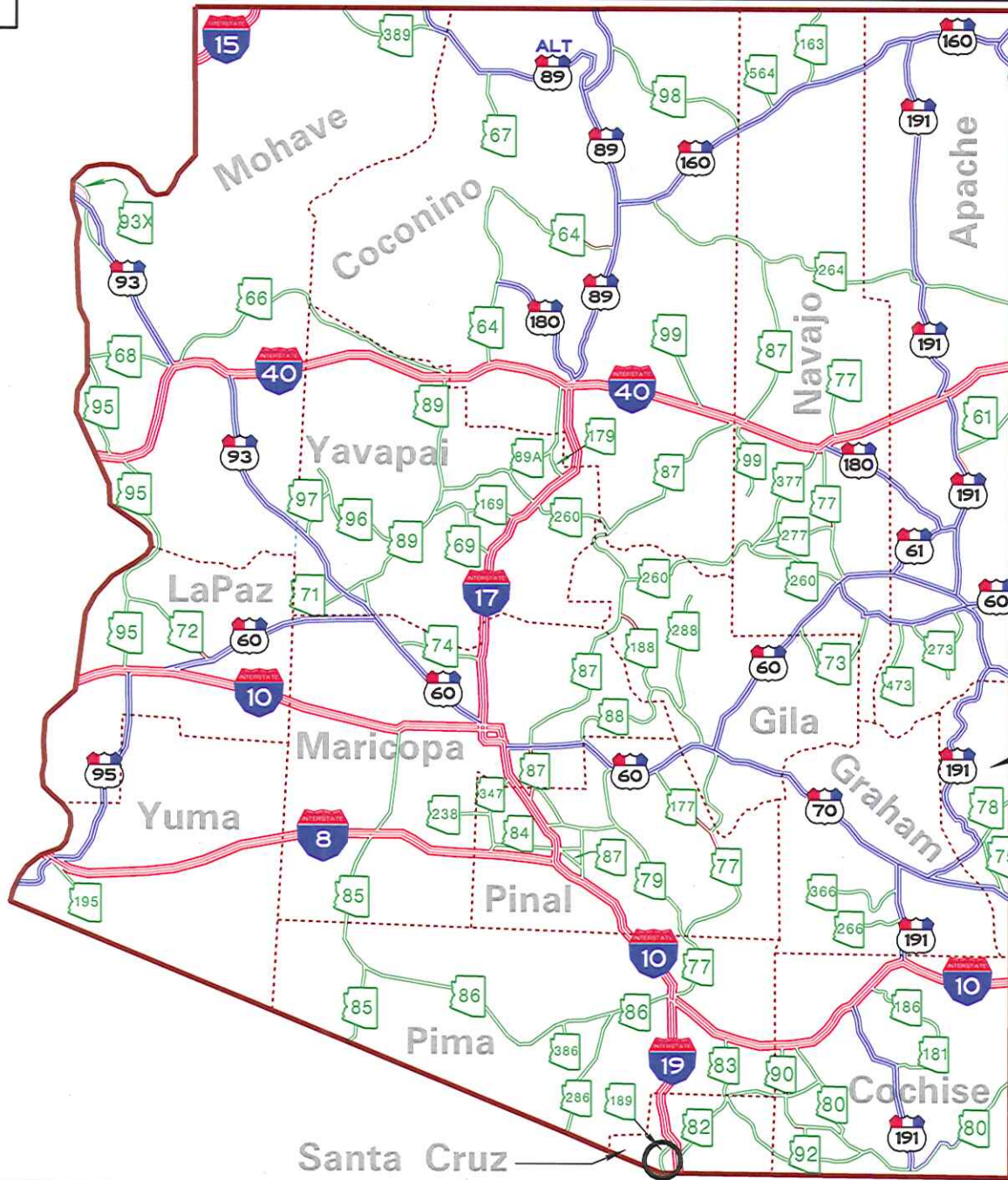
RESOLVED that the Director is hereby authorized to acquire by lawful means pursuant to Arizona Revised Statutes Sections 28-7092 and 28-7094, an estate in fee, or such other interest as required, to include advance, future and early acquisition, including exchanges and donations and material for construction, 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

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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.



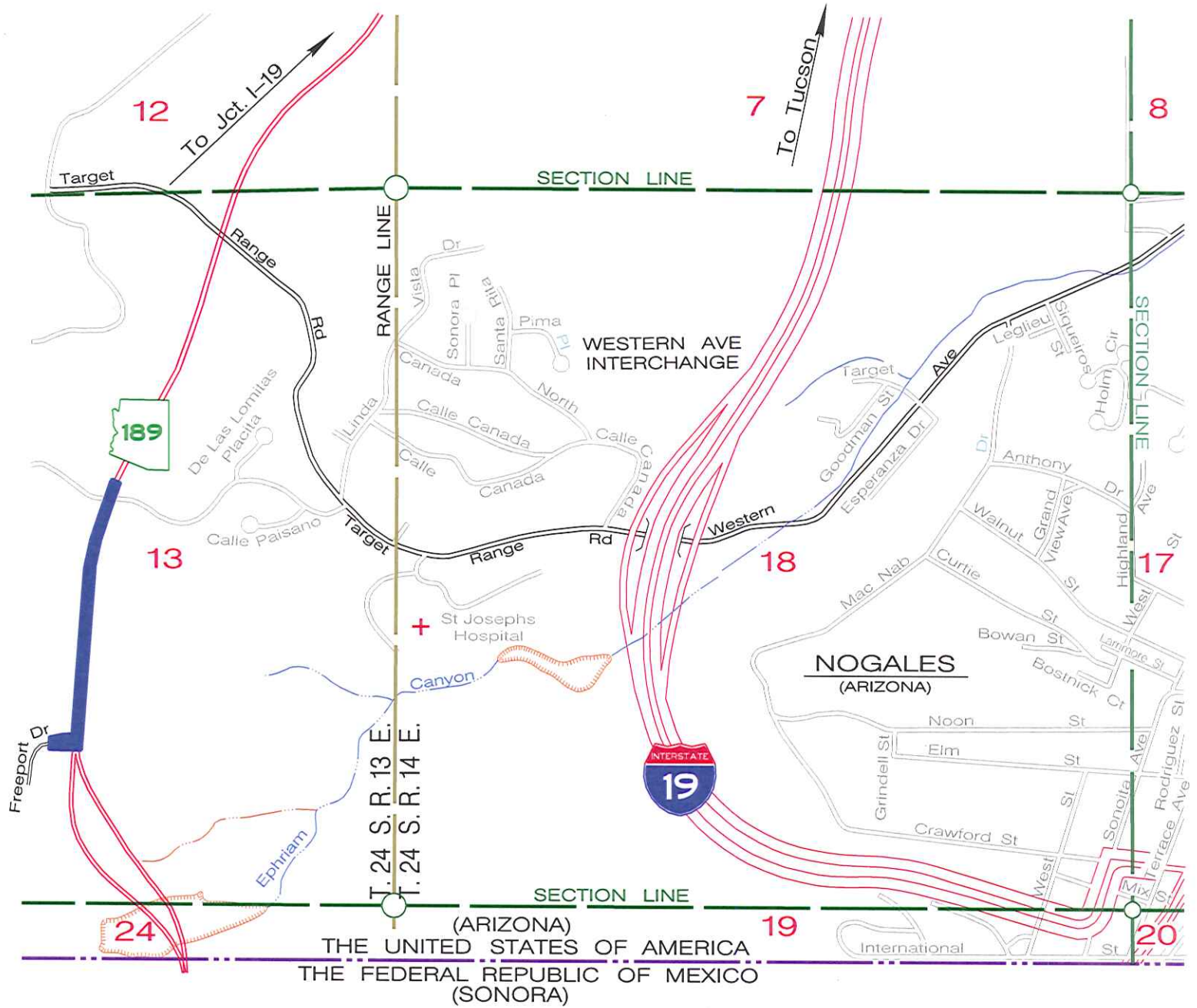
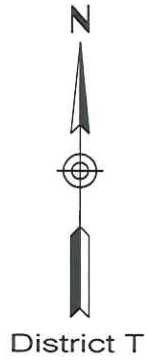
○ = AREA OF ESTABLISHMENT  
= SEE SHEET 2 OF 2  
FOR DETAILS

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"

189 SC 000 H5282 06R  
S 189-A-801  
NOGALES PRIMARY CONNECTION  
Nogales Port of Entry  
Santa Cruz County  
JUNE 17, 2011 SHEET 1 OF 2





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AREA OF ESTABLISHMENT

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 establishment of new right of way as a state route and state highway for the improvement of State Route 189 within the above referenced project.

The existing alignment was previously established as a state route and state highway by Arizona Highway Commission Resolution 73-86, dated October 19, 1973; thereafter Arizona Transportation Board Resolution 2001-06-A-046, dated June 15, 2001 established and acquired additional right of way for improvements; Resolution 2004-11-A-060, dated November 19, 2004 established additional right of way as a state route and state highway for improvements thereof.

New right of way is needed to construct new inspection booths to enhance safety of the traveling public. 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, NOGALES PRIMARY CONNECTION Highway, Project S 189-A-801 / 189SC000H528206R."

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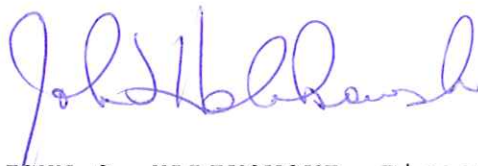
In the interest of public safety, necessity and convenience, I recommend that the new right of way depicted in Appendix "A" be established as a state route and state highway.

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 that 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 June 17, 2011.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on June 17, 2011.



JOHN S. HALIKOWSKI, Director  
Arizona Department of Transportation

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of Transportation  
Arizona Department of Transportation

