



# Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

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**Case #/Title:** PAB-0017 Federal Patent Easement Abandonment

**Meeting Date:** February 3, 2016

**Supervisor District Effected:** 3

**Applicant:** Department of Transportation

**Request:** Approve the abandonment of that portion of the Patent easement as proposed by the owner of the property located at 35802 North Central Avenue and being identified as Assessor Parcel No. 211-53-070C.

**Support/Opposition:** Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d.

No comments in opposition have been received.

**Discussion:** Laws 2013, Chapter 46 amended Arizona Revised Statutes, Section 11-251.16 to allow a county, at the request of a property owner, to abandon a federal patent easement established by the Small Tract Act of 1938. On May 7, 2014 the Maricopa County Board of Supervisors (BOS) approved Ordinance No. P-34, adopting procedures for the abandonment of federal patent easements. The Maricopa County Department of Transportation (MCDOT) has considered and processed this request for abandonment in strict accordance with A.R.S. Section 11-251.16 and Ordinance No. P-34.

## Department Recommendation:

Having no known opposition and having not received any written comments in opposition from other County departments, other agencies, any utility or the public, the Department of Transportation (MCDOT), in accordance with Ordinance P-34, is recommending that the BOS approve the abandonment as requested.

Presented by: Jennifer Toth, P.E.,  
Director of Transportation/County Engineer

**Attachments:** Application / Proof of ownership / Application response checklist  
Aerial Exhibit / Patent Easement/ Replacement Easement  
Initial Determination request / letter to requestor / Initial response checklist

**APPLICATION  
PROOF OF OWNERSHIP  
APPLICATION RESPONSE CHECKLIST**



# Maricopa County Department of Transportation

## Engineering Division

2901 West Durango Street • Phoenix, AZ 85009  
Phone: (602) 506-8609 • Fax: (602) 506-4009



*APP routed 11/16/15*

### PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: David and Dawn Fortuna Tracking NO: PAB-0017  
 Mailing Address: 35802 North Central Avenue  
 City Phoenix STATE: AZ ZIP: 85086  
 Telephone: 480-772-7271  
 Email: dtunab@gmail.com Fax No: N/A

### PARCEL DETAIL

Assessor's Parcel Number: 211-53-070C

- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)  
35802 North Central Avenue Phoenix, AZ 85086
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)  
Abandon Patent easement along south side of parcel 211-53-070C
- Applicant is **REQUIRED** to be the current owner of the described property. A copy of your property deed must be attached to the application.
- If you have a mortgage, deed of trust, upon your property you are **REQUIRED** to provide a letter from the lender approving your request to abandon a patent easement. Applications submitted without lender approval will not be processed.
- If you don't have a mortgage or deed of trust on the subject property, you will need to sign, before a notary, the affidavit below attesting to that status.

I, n/a attest that I own the subject property and that it is not encumbered by mortgage or deed of trust.

SUBSCRIBED AND SWORN to before me this

My Commission Expires:

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC

### SIGNATURE

*[Signature]*  
Signature of Applicant

11/16/15  
Date

**NOTE: The application fee is NOT refundable.**

### THIS PORTION TO BE COMPLETED BY MCDOT

<b>Application Fee: \$1,600.00*</b>	Total Received: <u>1350.00</u>	Received By: <u>LH</u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>5886</u>	Date: <u>11-16-15</u>

\* Application Fee will be \$1,350 (\$1,600 less \$250) if Initial Determination letter is provided; demonstrating an initial review of the parcel was conducted by the County within the last six months.



SunTrust Mortgage, Inc.  
Post Office Box 28149  
Richmond, VA 23280-6149  
Toll Free 1.800.634.7928  
[www.suntrustmortgage.com](http://www.suntrustmortgage.com)

October 28, 2015

David J Fortuna  
Dawn M Fortuna  
35802 N Central Avenue  
Phoenix, AZ 85086

RE: David Fortuna/Partial Release Request  
**SunTrust Mortgage Loan No: 0048513725**  
Property Address: 35802 N Central Avenue  
Phoenix, AZ 85086

Mr. Fortuna:

Thank you for the recent request on the above referenced loan. SunTrust Mortgage, Inc. has agreed for the 33-foot patent easement which is along the south side of the property to be abandoned. After the submission of the application and this letter to the county, please be sure to notify us of the counties approval of your request so that our records may be updated.

If you should have any questions or concerns, please feel free to contact me at the following toll free number: (800) 634-7928, option 5, ext 52898

Sincerely,

*La'Shara Boddie*

La'Shara Boddie  
Partial Release Specialist

Unofficial  
20 Document

47  
sa

**RECORDED ELECTRONICALLY  
BY SECURITY TITLE AGENCY**

RECORDING REQUESTED BY  
Security Title Agency

AND WHEN RECORDED MAIL TO:

David J. Fortuna  
Dawn M. Fortuna  
860 N. Windsor Circle  
Mesa, AZ 85213



ESCROW NO.: 47150119 - 047 - MRC

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Warranty Deed**

For the consideration of Ten Dollars, and other valuable consideration,  
**Lois L. Wingfield, An Unmarried Woman and Martha S Hayes, An Unmarried Woman**  
("Grantor") conveys to  
**David J. Fortuna and Dawn M. Fortuna, Husband and Wife**  
the following real property situated in Maricopa County, ARIZONA:

**See Exhibit A attached hereto and made a part hereof.**

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

Grantor warrants the title against all persons whomsoever, subject to the matters set forth above.

Dated: March 5, 2015



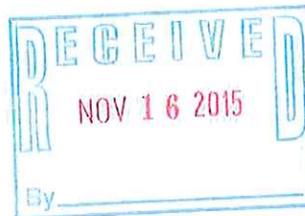
Escrow No. 47150119-047-MRC

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The South half of the East half of Lot 20, Section 5, Township 5 North, Range 3 East,  
of the Gila Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT oil, gas and other mineral deposits, as reserved in Patent from United States  
of America.

Official Document



ESCROW NO.: 47150119 047 MRC

ACCEPTANCE OF COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP "DEED"

David J. Fortuna and Dawn M. Fortuna, Husband and Wife, each being first duly sworn upon oath, deposes and says, THAT I am one of the Grantees named in the deed attached to this Acceptance, dated March 5, 2015, and executed by Lois L. Wingfield, An Unmarried Woman and Martha S Hayes, An Unmarried Woman as Grantors, to David J. Fortuna and Dawn M. Fortuna, Husband and Wife as Grantees, and which conveys the real property described as:

See Exhibit A attached hereto and made a part hereof.

to the Grantees named in the deed, not as tenants in common, nor as community property, nor as joint tenants with right of survivorship, but as community property with right of survivorship.

Each of us individually and jointly as Grantees assert and affirm that it is our intention to accept this conveyance as community property with right of survivorship and to acquire any interest we may have in the real property under the terms of the Deed as community property with right of survivorship.

Dated: March 10, 2015

Usual Document

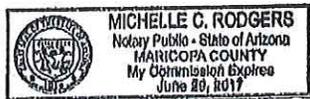
GRANTEES:

Signatures of David J. Fortuna and Dawn M. Fortuna

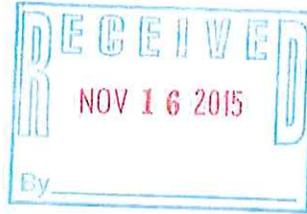
State of Arizona } ss:
County of Maricopa

Individual

The foregoing Acceptance of Community Property with Right of Survivorship, dated March 10, 2015 and consisting of 1 page(s), was acknowledged before me this 10 day of March 2015, by David J. Fortuna & Dawn M. Fortuna



Notary Public

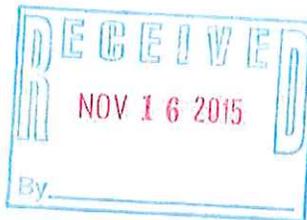


State of Arizona  
County of Maricopa } ss:

Individual  
The foregoing, dated March 5, 2015 and consisting of 4 page(s), was acknowledged  
before me this 9 day of March, 2015, by  
Debra King Field

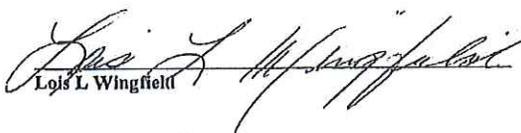
Michelle C. Rodgers  
Notary Public

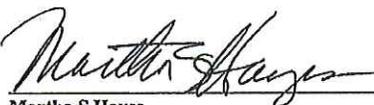




Grantor(s):

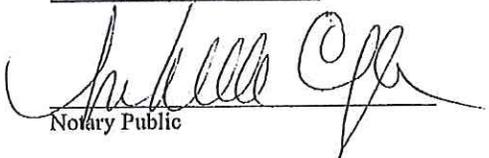
SELLERS:

  
 Lois L. Wingfield

  
 Martha S Hayes

State of Arizona  
 County of Maricopa } ss:

The foregoing Warranty Deed, dated March 5, 2015 and consisting of 2 pages, was  
 acknowledged before me this 6th day of March, 2015, by ~~LOIS L. WINGFIELD~~  
~~AND~~ MARTHA S HAYES.

  
 Notary Public





Escrow No. 47150119-047-MRC

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The South half of the East half of Lot 20, Section 5, Township 5 North, Range 3 East,  
of the Gila Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT oil, gas and other mineral deposits, as reserved in Patent from United States  
of America.

Official Document

**PATENT EASEMENT ABANDONMENT  
APPLICATION  
CHECKLIST**

Application ID: PAB-0017

A "YES" checked on any item on this list shall result in the letter of Initial Determination stating that pursuant to Section 5 of County ordinance (P-34) certain criteria do not meet abandonment requirements.

Disqualification Criteria	YES	NO
Road alignment has been Declared (Sect 5a)		X
Road alignment is maintained by MCDOT		X
Road alignment is needed for future r/w		X
Prop abandon shares border and is parallel to row dedicated to County or public (Sect 5b)		X
Objection from any affected utility, Arizona State land, BLM or BOR (Sect 5d)		X
Objection from any Municipality or Tribe, (Sect 5e)		X

Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection	
		Denise Lacey		
		Ed Williams		
		D Fritz	No Objection	
		Nicolaas Swart	No Objection	
		Gary Scott		
		Tricia Brown		
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	N/R	
		Scottsdale Water	N/R	
		Town of Cave Creek water	N/R	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 12/21/2015

INIT: KG

**AERIAL EXHIBIT**  
**PATENT EASEMENT**  
**REPLACEMENT EASEMENT**



211  
53  
043A

211  
53  
043C

211  
53  
064

N Central Ave

211  
53  
074D

211  
53  
070A

211  
53  
070C

211  
53  
074C

33' Pat Esmt  
Lot 20 Sec 5  
Pat No. 1207483

UNINCORPORATED MARICOPA COUNTY

PAB-0017  
S33' E2 S2, Lot 20 Sec 5-T5N, R3E  
EXCEPT the E33'  
NOT Declared by CNTY  
NOT in CNTY Road System

211  
53  
074A

211  
53  
070B

211  
53  
070D

211  
53  
068

211  
53  
077A

Private Land  
5  
T5N  
R3E

# The United States of America,

To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at **Phoenix, Arizona,** has been issued showing that full payment has been made by the claimant

**Dorothea E. Long**

pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

**Gila and Salt River Meridian, Arizona.**

**T. 5 N., R. 3 E.,**

**Sec. 5, Lot 20.**

The area described contains **5.00** acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding **33** feet in width, for roadway and public utilities purposes, to be located **along the south, east and west boundaries of said land.**

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWELFTH** day of **APRIL** in the year of our Lord one thousand nine hundred and **SIXTY** and of the Independence of the United States the one hundred and **EIGHTY-FOURTH.**

[SEAL]

For the Director, Bureau of Land Management.

By *Ruth W. Talley*  
Chief, Patents Section.

Patent Number 1207483

HELEN PURCELL

20150659230 09/14/2015 08:08  
ELECTRONIC RECORDING

Return to Qwest  
Attn: Mary Hutton  
5025 North Black Canyon Hwy, Rm 100  
Phoenix, AZ 85015

MCMH091415-4-1-1--  
Yorkm

RECORDING INFORMATION ABOVE  
EASEMENT AGREEMENT

The undersigned David J. Fortuna and Dawn M. Fortuna, Husband and Wife, ("Grantor") for and in consideration of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **QWEST CORPORATION D/B/A CENTURY LINK QC**, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, Attn: Network Vice President, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain, and remove such telecommunications facilities, electrical and ~~gas~~ facilities, and other appurtenances, from time to time, as Grantee may require upon, over, under and across the following described property situated in the County of Maricopa, State of Arizona, which Grantor owns ("Easement Area"):

DJF  
DMF

**An easement which is described in its entirety on EXHIBIT "A" and "B" which is attached hereto and by this reference made a part hereof.**

Grantor further conveys to Grantee the right of ingress and egress over and across Grantor's lands to and from the Easement Area and the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for pre-existing environmental contamination or liabilities or those not caused by Grantee.

Grantor reserves the right to occupy, use and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area and that Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on the Easement Area and no change will be made by grading or otherwise to the surface or subsurface of the Easement Area or to the ground immediately adjacent to the Easement Area.

The rights, conditions and provisions of this Easement Agreement will run with the land and will inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

R/W# \_\_\_\_\_

Initials DJF  
DMF

RECORDING INFORMATION ABOVE

GRANTOR(S):

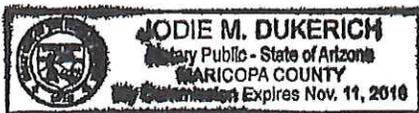
Name: [Signature]  
David J. Fortuna

Name: [Signature]  
Dawn M. Fortuna

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) ss:

The foregoing instrument was acknowledged before me this 26th day of August,  
2015, by Jodie M. Dukerich

Witness my hand and official seal:



[Signature]  
Notary Public  
My commission expires: NOV 11, 2018

August 20, 2015  
Rick No.  
MEC

EXHIBIT "A"  
LEGAL DESCRIPTION  
CENTURYLINK EASEMENT

A parcel of land situated in the south half of the east half of Lot 20, Section 5, Township 5 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

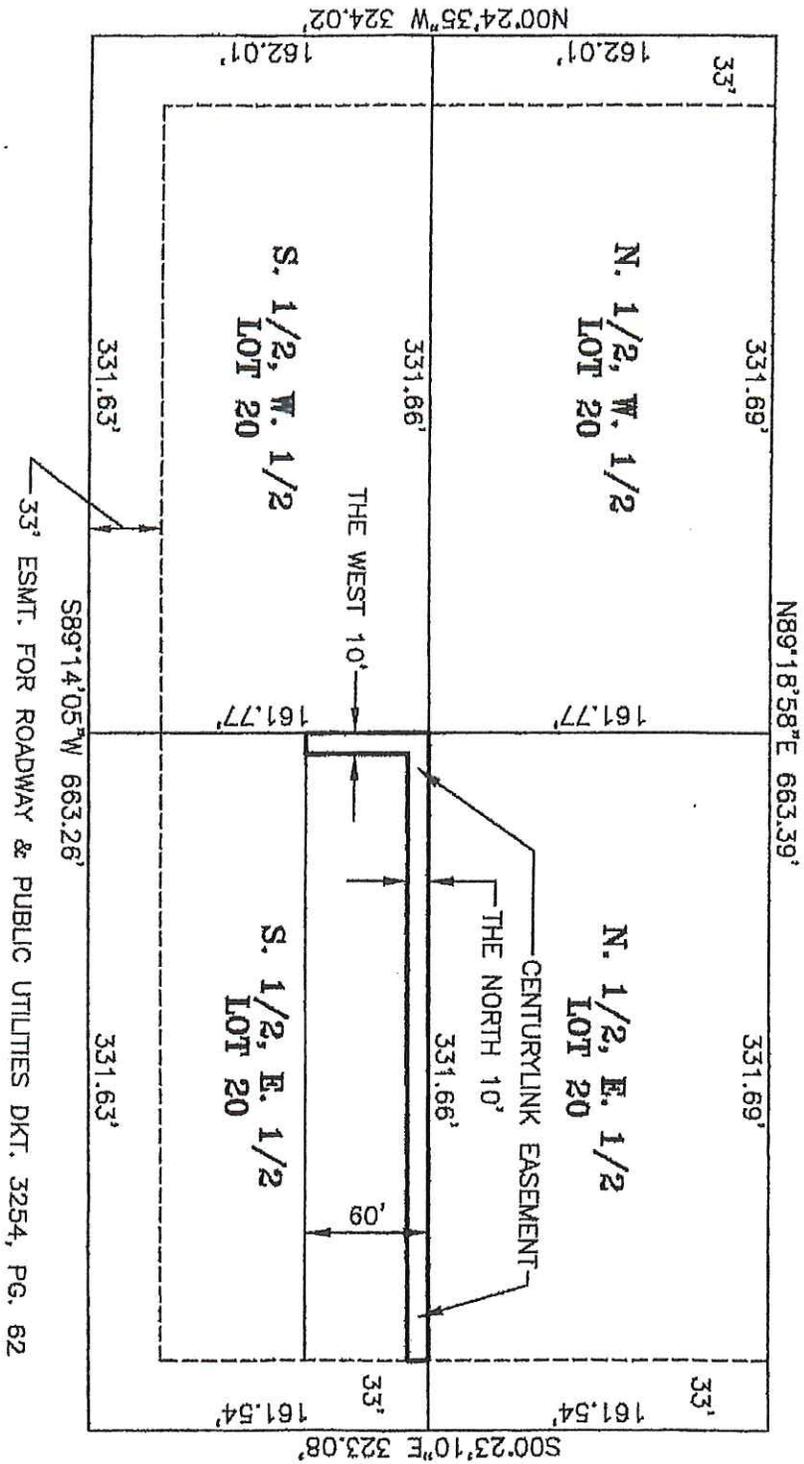
The north 10.00 feet and the west 10.00 feet of the north 60.00 feet of the south half of the east half of Lot 20, Section 5, Township 5 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Except the east 33.00 feet thereof.



LOT 20, SECTION 5,  
T.5N., R.3E.

SCALE 1" = 80'

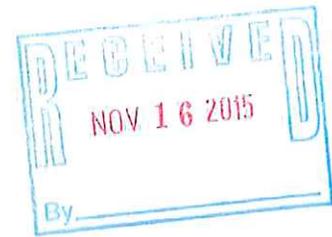


CENTURYLINK EASEMENT  
EXHIBIT B

33' ESMT. FOR ROADWAY & PUBLIC UTILITIES DKT. 3254, PG. 62



Capacity Provisioning  
Engineering  
5025 N. Black Canyon Hwy  
Room 119  
Phoenix, AZ 85015  
September 16, 2015



Maricopa County DOT  
2901 W Durango Street  
Phoenix, AZ 85009

CenturyLink Tracking #  
**A1506318**

Response to request for abandonment  
Your File Number PAB-0017

This is in response to your request of June 29, 2015 for the abandonment of Public Utility Easement on the property located at 35802 N. Central Avenue as described / illustrated in your letter. A review of our existing facilities has been made in reference to the area involved. CenturyLink has no objection to the abandonment as described above.

If you have any questions or need additional information, please contact Mary Hutton on 602-630-7778.

Yours truly,

A handwritten signature in black ink that reads "Mary Hutton".

Mary Hutton  
ROW Engineer

**INITIAL DETERMINATION REQUEST**

**LETTER TO REQUESTOR**

**INITIAL RESPONSE CHECKLIST**



# Maricopa County Department of Transportation Engineering Division

2901 West Durango Street • Phoenix, AZ 85009  
Phone: (602) 506-8609 • Fax: (602) 506-4009

JUN 26 2015

## PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION REQUEST

Applicant Name: David and Dawn Fortuna Tracking NO: \_\_\_\_\_

Mailing Address: 35802 N. Central Avenue

City: Phoenix STATE: AZ ZIP: 85086

Telephone: 480-772-7270/480-772-7271

Email: dm4tuna@gmail.com Fax No: n/a

### PARCEL DETAIL

Assessor's Parcel Number: 211-53-070C

1. **Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)

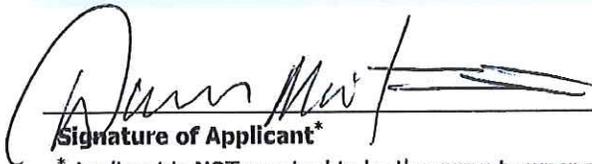
35802 North Central Avenue, Phoenix, AZ

2. **Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)

Abandon 33-foot patent easement along the southern boundary of the parcel.

*EXC the E 33' per email 6/24/15*

### SIGNATURE

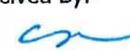
  
 \_\_\_\_\_  
 Signature of Applicant\*

06/26/15  
 \_\_\_\_\_  
 Date

\* Applicant is NOT required to be the current owner of the described property.

**NOTE: The fee for this review is NOT refundable.**

### THIS PORTION TO BE COMPLETED BY MCDOT

<b>Initial Determination Fee:</b> <b>\$250.00</b>  Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>250.00</u>	Received By: 
	Check #: <u>5823</u> <u>DS20153527</u>	Date: <u>06/26/15</u>



**Maricopa County**  
Department of Transportation

2901 W. Durango St  
Phoenix, AZ 85009  
Phone: 602-506-8609  
Fax: 602-506-4009  
www.maricopa.gov

July 20, 2015

David & Dawn Fortuna  
35802 N. Central Avenue  
Phoenix, AZ 85086



Attn: Property Owner

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Review request for possible abandonment of the Federal patent Easement on your property identified as Assessor Parcel 211-53-070C and identified as tracking No. PAB0017.

The Department of Transportation has determined the following:

MCDOT has no objection to the proposed abandonment.

No objections have been received from other County Departments.

No objections have been received from any governmental agency.

Objection from Century Link has been received.

Section 5d of Maricopa County ordinance P-34 states that No abandonment of a patent easement can occur over objection from any Utility. Since Century Link has objected you will need to Contact Mary Hutton by phone at 602-630-7778 or email [Mary.Hutton1@centurylink.com](mailto:Mary.Hutton1@centurylink.com) to resolve the objection. To view County ordinance P-34 go to: <http://www.mcdot.maricopa.gov/easements/home.htm> and click on the "Ordinance P-34" hyperlink.

After the utility objection has been resolved and you wish to proceed with the abandonment, go to the MCDOT website at <http://www.mcdot.maricopa.gov/easements/home.htm> and open up the Patent Easement Link at the left side of the page. Print the Abandonment Application in Step 2 and submit it as instructed in the application along with all documentation required in the application.

**NOTE:**

All reviewing entities reserve the right to change their original review position, which may affect the final recommendation to the Board of Supervisors to approve or deny the application.

Upon receipt of the application and payment of the fee, a notice by letter will be sent to all abutting property owners. The proposed abandonment area will have a notice posted. The abutting owners and other public users of the road have the right to object in writing or appear before the Board of Supervisors.

Sincerely,

Denise Brewer  
Permitting, Construction and Inspections  
Div. Mngr.

Dennis P. Lindsey  
Deputy Chief Real Estate  
Ph: 602-506-1067

Enclosure: Aerial Exhibit, Initial Determination Check List

cc: PAB-0017 - file

PATENT EASEMENT ABANDONMENT  
INITIAL DETERMINATION  
CHECKLIST

Application ID: PAB0017

A "YES" checked on any item on this list shall result in the letter of Initial Determination stating that pursuant to Section 5 of County ordinance (P-34) certain criteria do not meet abandonment requirements.

Disqualification Criteria	YES	NO
Road alignment has been Declared (Sect 5a)		X
Road alignment is maintained by MCDOT		X
Road alignment is needed for future r/w		X
Prop abandon shares border and is parallel to row dedicated to County or public (Sect 5b)		X
Objection from any affected utility, Arizona State land, BLM or BOR (Sect 5d)	X	
Objection from any Municipality or Tribe, (Sect 5e)		X

Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring		
		Denise Lacey		
		Ed Williams		
		Denise Brewer		
		Kevin Kottmer		
		Gary Scott	No Objection	
		Nicolaas Swart	No Objection	
		Dianna Cunningham		
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	N/R	Sect 5d
		Century Link	OBJECTION – has existing facilities	
		Cox	N/A	
		SRP	N/A	
		SWG	N/R	
		Scottsdale Water	N/A	
		Town of Cave Creek water	N/R	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 7-20-2015

INIT: KG



LEGAL DESCRIPTION  
PAB-0017

EXHIBIT "A"

Assessor Parcel No. 211-53-070C

That portion of the easement described in Patent 1207483, lying in the Northwest quarter of Section 5 – T5N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The South 33 feet of the East half of the South half of Lot 20 of said Section 5. EXCEPT the East 33 feet thereof.



PUBLIC NOTICE



2/ 5/2016



2/ 5/2016

COB1111-6-1-1--  
Hoyp

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CAPTION HEADING:

Patent Easement Abandonment  
(Road File PAB-0017)  
(C-64-16-071-M-01)

**DO NOT REMOVE**  
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**COUNTY OF MARICOPA***State of Arizona***Office of the Clerk***Board of Supervisors*

*State of Arizona*                    ) ss.  
*County of Maricopa*            )

*I, Constance Copeland, Deputy Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on April 6, 2016:*

**9. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0017**

Road File No. PAB-0017 to Abandon a portion of Federal Patent Easement Number 1207483, lying in the Southeast quarter of Section 5 – T5N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona . In addition, direct MCDOT and the Clerk of the Board to fulfill all notice requirements as outlined in Ordinance P-34, Patent Easement Ordinance. General vicinity: Central Avenue and Clod Road, known as Assessor Parcel 211-53-070C.

Pursuant to provisions in A.R.S. §11-251.16, Maricopa County Ordinance No. P-34 and Maricopa County Department of Transportation Procedure # P5203, a Notice of the hearing by certified mail shall be sent to the applicant and all abutting property owners no less than 60 days prior to the hearing date. Therefore the date set for the hearing shall be the first board meeting no less than 60 days from the date the Board sets the hearing. In addition, a notice shall be posted in the area of the proposed abandonment no less than 60 days prior to the hearing date. Supervisory District No. 3 (C-64-16-071-M-01)

Motion to approve by Supervisor Barney, seconded by Supervisor Chucuri

Ayes: Hickman, Barney, Chucuri  
Absent: Kunasek, Gallardo



*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on April 11, 2016.*

*Deputy Clerk of the Board of Supervisors*

**RESOLUTION**  
**PATENT EASEMENT ABANDONMENT PAB-0017**  
**C-64-16-071-M-01**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A PORTION OF A FEDERAL PATENT EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING THAT EASEMENT.

WHEREAS, pursuant to the Small Tract Act of 1938, a 33 foot wide patent easement located in the general vicinity of Central Avenue and Cloud Road was reserved for roadway and public utilities purposes in Patent Number 1207483; and

WHEREAS, a proposal requesting the abandonment of a portion of a patent easement has been submitted to Maricopa County; and

WHEREAS, pursuant to A.R.S §11-251.16(A), Maricopa County has notified all affected utilities; and

WHEREAS, Maricopa County has not received objection to the proposal from any utility; and

WHEREAS, pursuant to A.R.S §11-251.16(B), Maricopa County has given written notice to all property owners of the land abutting the easement or portion thereof to be abandoned; and

WHEREAS, pursuant to A.R.S §11-251.16(B), Maricopa County has posted a copy of the notice at or in the immediate vicinity of the proposed abandonment; and

WHEREAS, Maricopa County has not received objection to the proposal from a majority of landowners or from Arizona State Land, Bureau of Land Management, Municipality or Tribal Reservation who owns land abutting the proposed abandonment; and

WHEREAS, it has been determined by Maricopa County that the portion of the patent easement proposed for abandonment is not being used by the public and is no longer necessary and recommends that it would be in the best interest of the public that the proposed abandonment be approved; and

WHEREAS, a legal description of the portion of the patent easement to be abandoned, identified as Exhibit "A", is attached; and

WHEREAS, Maricopa County is authorized to abandon patent easements as described in Exhibit "A", pursuant to A.R.S. §11-251.16(A)

**RESOLUTION  
ROAD FILE PAB-0017  
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BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the portion of the patent easement as described in Exhibit "A" is not being used by the public and no longer necessary.

BE IT FURTHER RESOLVED the portion of the patent easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon a roadway that was granted under revised statute 2477 (43 United States Code section 932) that was enacted by the United States Congress in 1986

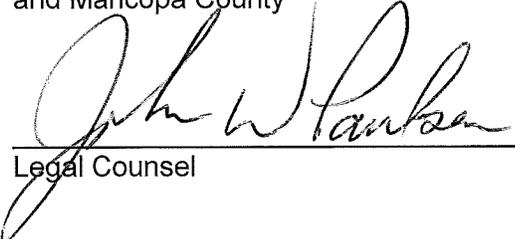
PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this

6<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Chairman of the Board of Supervisors  
Maricopa County

ATTEST:  
  
\_\_\_\_\_  
Fran McCarroll  
Clerk of the Board

APPROVED AS TO FORM and within the powers and authority granted under the laws of the State of Arizona and Maricopa County

 4/5/16  
\_\_\_\_\_  
Legal Counsel

LEGAL DESCRIPTION  
PAB-0017

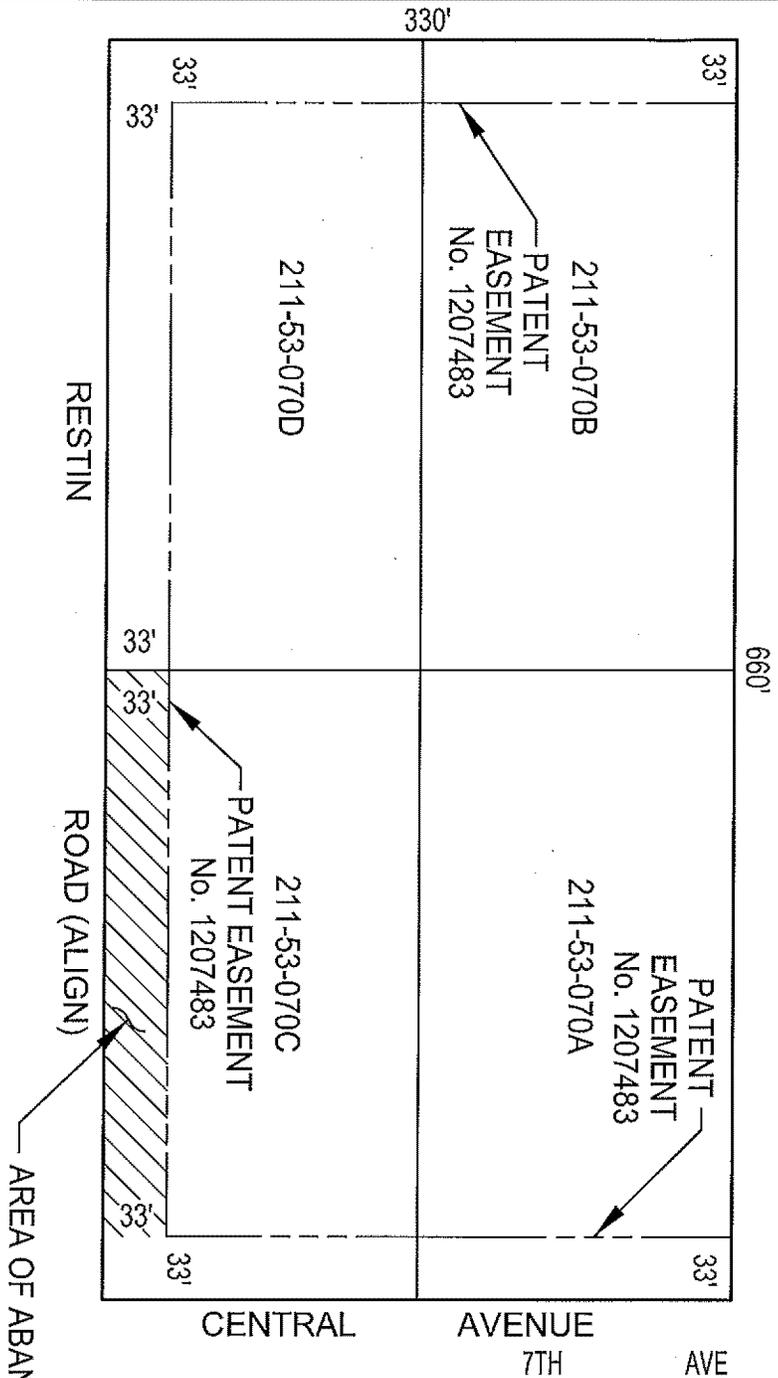
EXHIBIT "A"

Assessor Parcel No. 211-53-070C

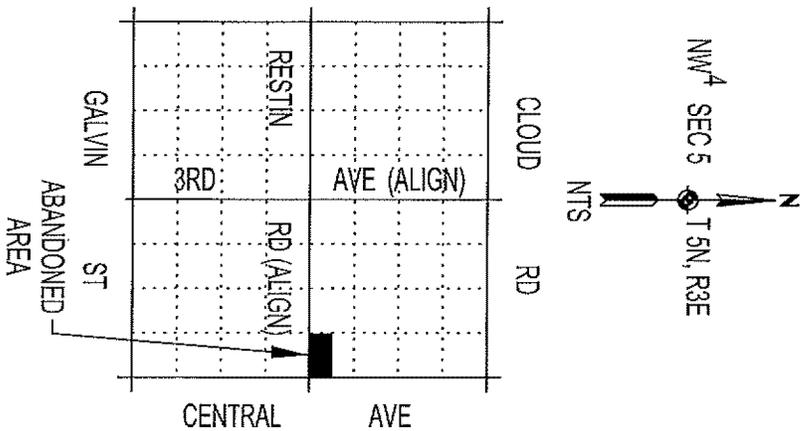
That portion of the easement described in Patent 1207483, lying in the Northwest quarter of Section 5 – T5N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The South 33 feet of the East half of the South half of Lot 20 of said Section 5. EXCEPT the East 33 feet thereof.

# PATENT EASEMENT ABANDON FILE NO. PAB-0017



CENTRAL AVENUE 7TH AVE



Section 5, T5N, R3E

W.O. No. 00103

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EXHIBIT