



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0018 Federal Patent Easement Abandonment

Meeting Date: November 4, 2015

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 an unassigned address north of 25312 N 16TH AVE and being identified as Assessor Parcel No. 210-10-006C and 210-10-006D.

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
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

AUG 20 2015

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: VIF Investments LLC Tracking NO: PAB- 0018
 Mailing Address: 3403 W. Leisure Ln
 City: Phoenix STATE: AZ ZIP: 85026
 Telephone: 602-628-4006
 Email: iosiffecete@yahoo.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 210-10-006C and 006D

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

1621 W Pason Rd. Phoenix AZ

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

patent easement abandonment bordering west and south

3. Applicant is **REQUIRED** to be the current owner of the described property. A copy of your property deed must be attached to the application.

side of parcel 210-10-006C -006D

4. 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.

5. 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, Veronica Fecete / VIF Investments LLC attest that I own the subject property and that it is not encumbered by mortgage or deed of trust.

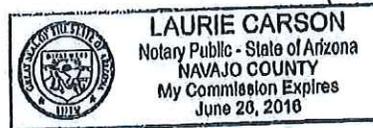
SUBSCRIBED AND SWORN to before me this

17th day of August, 2015

Laurie Carson
 NOTARY PUBLIC

My Commission Expires:

June 20, 2016



SIGNATURE

[Signature]
 Signature of Applicant

8-17-2015
 Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00* Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>1,350.00</u> Check #: <u>1780</u> <u>DS20153564</u>	Date: <u>08/29/2015</u>	Received By: <u>[Signature]</u>
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* 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.

RECORDING REQUESTED BY
Lawyers Title of Arizona, Inc.
AND WHEN RECORDED MAIL TO:
VIF INVESTMENTS, LLC, AN ARIZONA
LIMITED LIABILITY COMPANY
3403 W LEISURE LN
PHOENIX, AZ 85086

1801718-2-2-1--
Hoyp

ESCROW NO.: 01801718 - 423 - T80

SPACE ABOVE THIS LINE FOR RECORDER'S USE

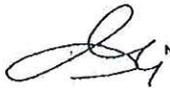
Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
MIHAELA NICOLE NEGREANU, a married woman, as her sole and separate property
do/does hereby convey to
VIF INVESTMENTS, LLC, an Arizona Limited Liability Company
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.
And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: October 10, 2013

Grantor(s):

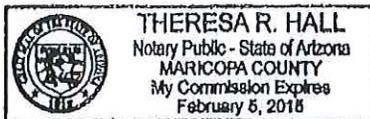


MIHAELA NICOLE NEGREANU

State of Arizona } ss:
County of Maricopa

On Oct 11, 2013, before me personally appeared **MIHAELA NICOLE NEGREANU**, whose
identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this
document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity
(ies)

(Seal)



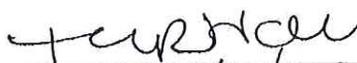

Notary Public
Commission Expires: 2/5/2015

Exhibit A

The West half of the South half of the following described property:

The East half of the Southwest quarter of the Northeast quarter of the Southwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent to said land.

RECORDING REQUESTED BY
Lawyers Title of Arizona, Inc.

AND WHEN RECORDED MAIL TO:

IOSIF FECHETE
3403 W LEISURE LN
PHOENIX, AZ 85086

1793336-2-3-1--
ramirezp

ESCROW NO.: 01793336 - 423 - T80

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
IOAN CHELMAGAN, a married man, as his sole and separate property
do/does hereby convey to

IOSIF FECHETE, a married man, as his sole and separate property
the following real property situated in Maricopa County, ARIZONA:

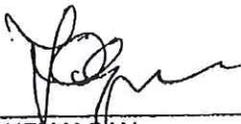
See Exhibit A attached hereto and made a part hereof.

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.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: July 12, 2013

Grantor(s):

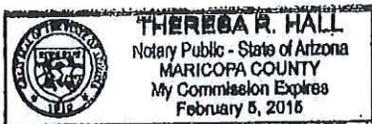
x 

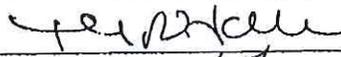
IOAN CHELMAGAN

State of Arizona _____ } ss:
County of Maricopa _____

On August 19, 2013, before me personally appeared **IOAN CHELMAGAN**, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)





Notary Public
Commission Expires: 2/5/2015

Exhibit A

THE EAST HALF OF THE SOUTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS DEPOSITS RESERVED IN THE PATENT OF SAID LAND.

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB-0018

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

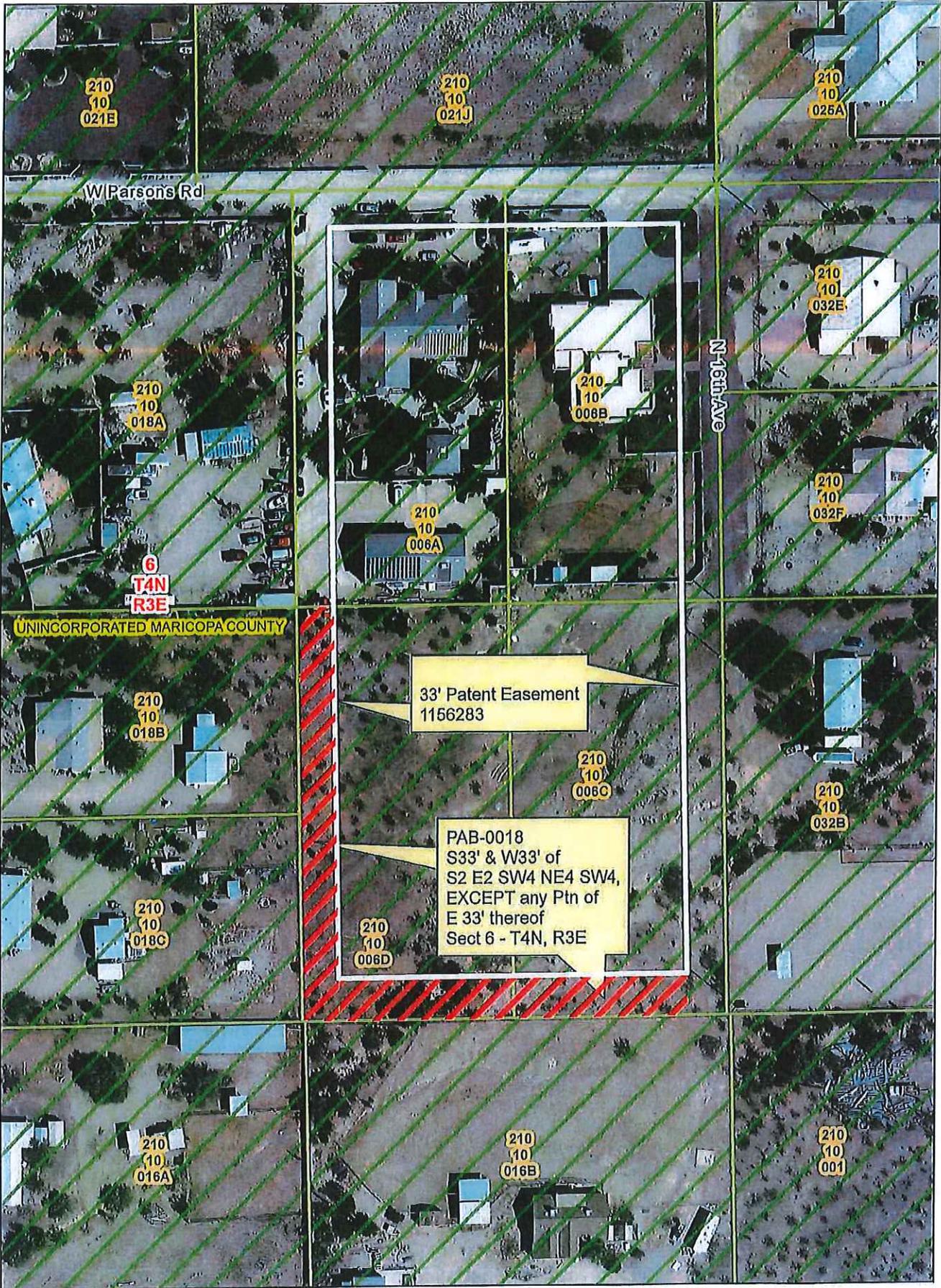
Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection	
		Denise brewer	N/R	
		Denise Lacey	N/R	
		Ed Williams	N/R	
		Gary Scott	N/R	
		Kevin Kottmer	N/R	
		Nicolaas Swart	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	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/A	
		Scottsdale Water	N/A	
	Town of Cave Creek water	N/A		
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 9/9-2015

INIT: MK

AERIAL EXHIBIT
PATENT EASEMENT



210
10
021E

210
10
021J

210
10
025A

W Parsons Rd

210
10
018A

6
T4N
R3E

UNINCORPORATED MARICOPA COUNTY



33' Patent Easement
1156283

PAB-0018
S33' & W33' of
S2 E2 SW4 NE4 SW4,
EXCEPT any Ptn of
E 33' thereof
Sect 6 - T4N, R3E

210
10
006D

N 16th Ave

210
10
032E

210
10
032F

210
10
006C

210
10
032B

210
10
018B

210
10
018C

210
10
016A

210
10
016B

210
10
001

Phoenix 082336

The United States of America,

To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at **Phoenix, Arizona**, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant

Mina Mae Gray

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. 4 N., R. 3 E.,

Sec. 6, ~~EASWNE-SW1.~~

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 coal, 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 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 **TWENTY-SECOND** day of **DECEMBER** in the year of our Lord one thousand nine hundred and **FIFTY-FIVE** and of the Independence of the United States the one hundred and **EIGHTIETH.**

[SEAL]

For the Director, Bureau of Land Management.

By **Acting** Chief, Patents ~~and Section~~

Patent Number **1156283**

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

PATENT EASEMENT-ABANDONMENT APPLICATION

INITIAL DETERMINATION

Applicant Name: VIF Investments LLC / Iosif Fechet Tracking NO: PAB-
 Mailing Address: 3403 W Leisore Ln
 City: Phoenix STATE: AZ ZIP: 85086
 Telephone: 602-628-4006
 Email: iosif.fechet@yohoo.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 210-10-006 C

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

To be determined

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

Patent easement abandonment bordering west and south

- 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, Iosif Fechet 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

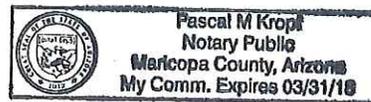
My Commission Expires:

24th day of June, 2015

03/31/18

*Side of parcel
 210-10-006 C
 and
 210-10-006 D*

[Signature]
 NOTARY PUBLIC



SIGNATURE

[Signature]
 Signature of Applicant

6-20-2015
 Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00* Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>250.00</u>	Received By: <u>[Signature]</u> Date: <u>06/30/2015</u>
	Check #: <u>496</u> <u>DS2015 3529</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.



Maricopa County
Department of Transportation

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

July 24, 2015

VIF Investments LLC
3403 W. Leisure Lane
Phoenix, AZ 85086

Attn: Mr. Iosif Fachete

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 Parcels 210-10-0006C and 006D and identified as tracking No. **PAB-0018**.

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 affected Utility, or governmental agency.

If your decision is to proceed, go to the MCDOT website and open up the Patent Easement Link at the left side of the page. Print the Abandonment Application and submit it as instructed in the application along with all documentation required in the application.

NOTE:

Be advised, that although no objections have been received, 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. Mngt.

Dennis P. Lindsey
Real Estate Div. Mngt.
Ph: 602-506-1067

Enclosure: exhibit, Comment tracking sheet

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB0018

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	N/R	
		Ed Williams	N/R	
		Denise Brewer	N/R	
		Kevin Kottmer	N/R	
		Gary Scott	No Objection	
		Nicolaas Swart	No Objection	
		Dianna Cunningham	N/R	
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	No Objection	
		FCD	N/R	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
	Town of Cave Creek water	N/A		
d	GOV AGENCIES	N/A	N/A	
e	MUNICIPALITIES / TRIBES	N/A	N/A	

DATE: 7/329/2015

INIT: KG



10/ 8/2015



10/ 8/2015



Public Notice
[Illegible text and image on sign]

10/ 8/2015

COB1098-5-1-1--
Garcia

CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0018)
(C-64-16-029-M-01)

DO NOT REMOVE
This is part of the official document

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 March 9, 2016:

10. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0018

Road File No. PAB-0018 to Abandon a portion of Federal Patent Easement Number 1156283, lying in the Southwest quarter of Section 6 – T4N, 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: 16th Avenue and Parsons Road and known as Assessor Parcels 210-10-006C and 210-10-006D.

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. This item was continued from the February 17, 2016 Board of Supervisors Formal Meeting. Supervisory District No. 3 (C-64-16-029-M-01)

Motion to approve by Supervisor Kunasek, seconded by Supervisor Barney

Ayes: Chucuri, Hickman, Barney, 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 March 14, 2016.

Deputy Clerk of the Board of Supervisors

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0018
C-64-16-029-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 16th Avenue and Parsons Road was reserved for roadway and public utilities purposes in Patent Number 1156283: 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-0018
C-64-16-029-M-01
Page 2**

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

9th day of March, 2016.

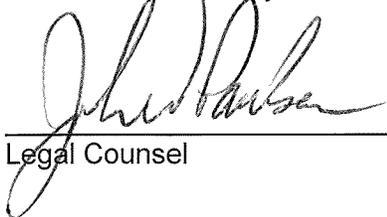


Chairman of the Board of Supervisors
Maricopa County

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

 3/8/16

Legal Counsel

LEGAL DESCRIPTION
PAB-0018

EXHIBIT "A"

Assessor Parcel No. 210-10-006C and 210-10-006D

That portion of the easement described in Patent 1156283, lying in the Southwest quarter of Section 6 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West and South 33 feet of the S2 E2 SW4 NE4 SW4 of said Section 6. EXCEPT any portion lying in the East 33 feet thereof.