



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0019 Federal Patent Easement Abandonment

Meeting Date: August 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 103 E. Quartz Rock Road and being identified as Assessor Parcel No. 210-14-008A.

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d.
Initial Determination utility objection has been resolved. No comments in opposition were received in the application phase.

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 or utility, 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/ Utility replacement easement and approval letter
Initial Determination request / letter to requestor / Initial response checklist

**APPLICATION
PROOF OF OWNERSHIP
APPLICATION RESPONSE CHECKLIST**

PAB 0019 APP
Routed 1-7-16



Maricopa County Department of Transportation

Engineering Division

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

DEC 17 2015

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: BEAU WOOD Tracking NO: PAB-0019
 Mailing Address: 2705 E DRY WOOD RD
 City: PHOENIX STATE: AZ ZIP: 85024
 Telephone: 602 739 2251
 Email: BEAU.WOOD@YAHOO.COM Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: #210-14-008A

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

103 E QUARTZ ROCK RD

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

ABANDON PATENT EASEMENT ON NORTHSIDE OF PROPERTY EXCEPT 8'

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.

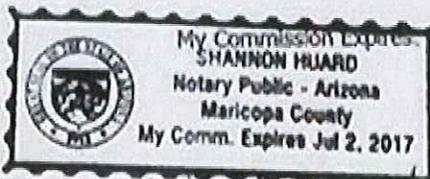
4. If you have a mortgage, deed of trust, upon your property you are **REQUIRED** to provide a letter from the lender approving your request to abandon a patent easement. Applications submitted without lender approval will not be processed.

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.

FOR UTILITIES,
CENTURY LINK!

BEAU WOOD 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
6 day of January, 2016



Shannon Huard
NOTARY PUBLIC

x Beau Wood 1/6/16

SIGNATURE

Beau Wood
Signature of Applicant

12/17/15
Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: <u>\$1,600.00*</u> <u>1,350.00</u>	Total Received: <u>1,350.00</u>	Received By: <u>[Signature]</u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Credit Card Check #: <u>3659710794</u> <u>DS20153639</u>	Date: <u>12/17/15</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.

Recording Requested by:
First American Title Insurance Company

When recorded mail to:
Beau Wood

WARRANTY DEED

File No. 203-5723291 (HE)

For the consideration of TEN AND NO/100 DOLLARS, and other valuable considerations, I or we,

Daniel Boardman and Jessica Boardman, husband and wife, the GRANTOR does hereby convey to

Beau Wood, a single man, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

The Northeast quarter of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 5, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the South 145 feet and

EXCEPT all oil, gas and other minerals as reserved in Patent from the United States of America.

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

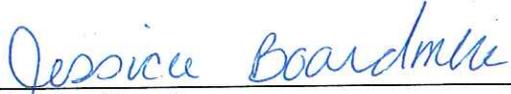
DATED: July 09, 2015

File No.: 203-5723291 (HE)
A.P.N.: 210-14-008A 3

Warranty Deed - continued



Daniel Boardman



Jessica Boardman

STATE OF AZ)
County of Maricopa)ss.

On 10-5-15 , before me, the undersigned Notary Public, personally appeared **Daniel Boardman and Jessica Boardman**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 5/31/18



Notary Public



EXHIBIT "A "

Escrow No. 203-5723291 (HE)

The Northeast quarter of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 5, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the South 145 feet and

EXCEPT all oil, gas and other minerals as reserved in Patent from the United States of America.

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB-0019

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

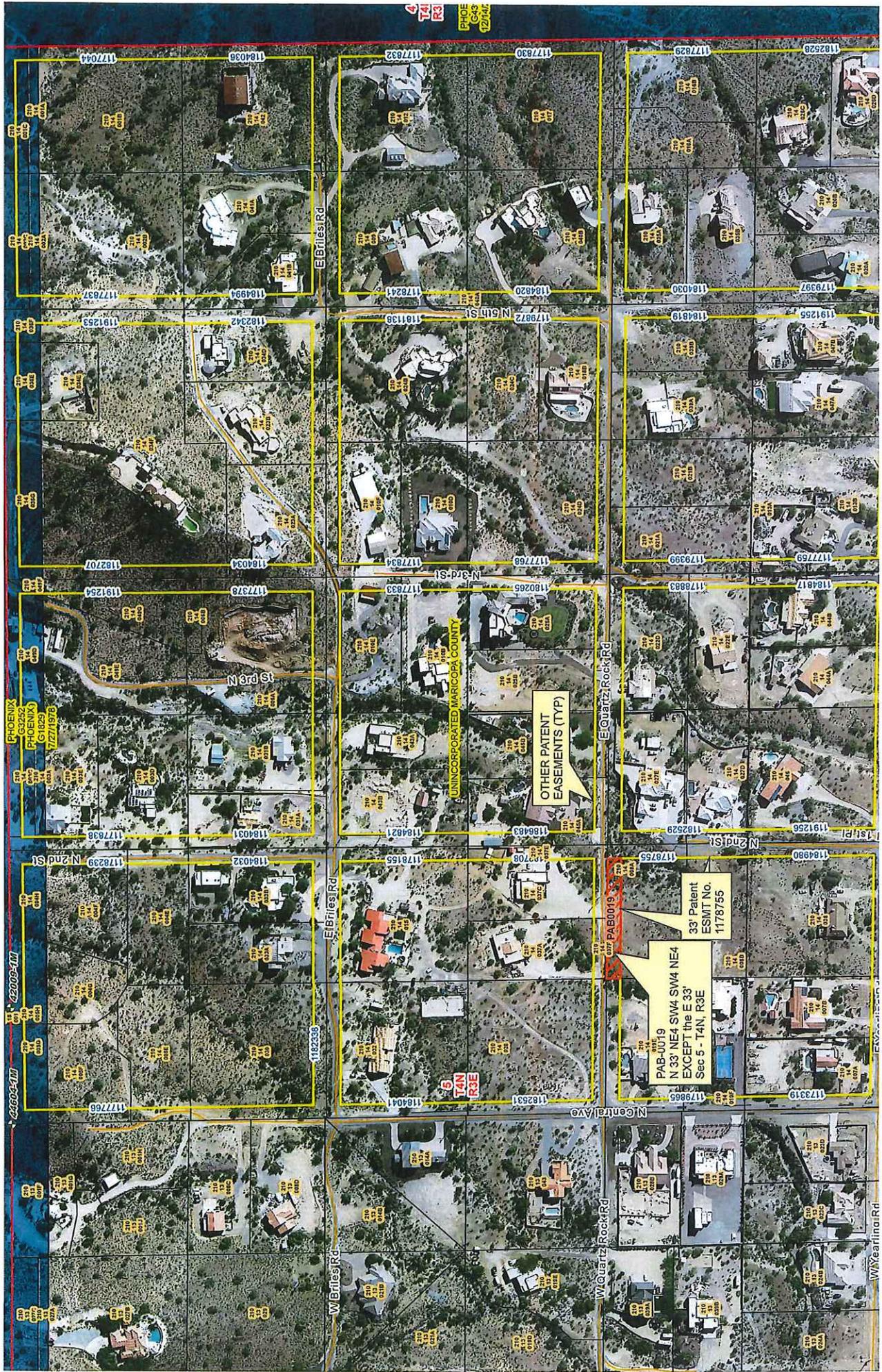
Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRIITERIA
	MCDOT	Bob Woodring	N/R	
		Angela Horn	No Objection	
		Denise Lacey	N/R	
		David Fritz	No Objection	
		Kevin Kottmer	N/R	
		Nicolaas Swart	N/R	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	N/R	
c	UTILITIES	APS	N/A	
		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: 6/14/2016

INIT: KG

AERIAL EXHIBIT
PATENT EASEMENT
UTILITY APPROVAL LETTER



PHONE 649 22447
T4
R3

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1184994 1177837 1184994 1177837
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1182331 1182331 1182331 1182331
1179665 1179665 1179665 1179665

E Brides Rd

UNINCORPORATED MARICOPA COUNTY

OTHER PATENT EASEMENTS (TYP)

W Quartz Rock Rd

E Quartz Rock Rd

N 2nd St

N 3rd St

N 4th St

N 5th St

N 6th St

N 7th St

N 8th St

N 9th St

N 10th St

N 11th St

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N 31st St

N 32nd St

PHOENIX 03232

PHOENIX 61829

PHOENIX 7271978

42009-101

24002-101

5 T4N R3E

Arizona 09131

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 **Daniel Inselberg,** 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. 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains **2.50** 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 north and east 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 **SIXTEENTH** day of **JANUARY** in the year of our Lord one thousand nine hundred and **FIFTY-EIGHT** and of the Independence of the United States the one hundred and **EIGHTY-SECOND.**

[SEAL]

For the Director, Bureau of Land Management.

By _____

Rose M. Bunch

Chief, Patents Section.

Patent Number 1178755



Real Estate
5025 N. Black Canyon Hwy
Room 119
Phoenix, AZ 85015

May 04, 2016

Maricopa County DOT
2901 W Durango Street
Phoenix, AZ 85009

CenturyLink Tracking #

A1506334

Response to request for abandonment
Your File Number PAB-0019

This is in response to your request of August 14, 2015 for the abandonment of Public Utility Easement on the property located at 103 E Quartz Rock Rd 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. CenturyLink has facilities in the area.

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

Yours truly,

A handwritten signature in cursive script that reads "Mary Hutton".

Mary Hutton
ROW Engineer

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

MCMH050416-4-2-1--
Garcia

RECORDING INFORMATION ABOVE
EASEMENT AGREEMENT

PAB-0019

The undersigned Beau Wood, a single man, ("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"):

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# _____

Page 1 of 4
Initials BW

RECORDING INFORMATION ABOVE

GRANTOR(S):

Name: BEAU WOOD
Beau Wood

Beau Wood

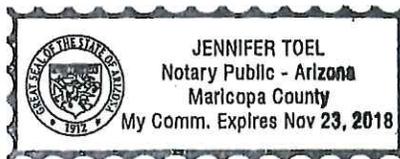
STATE OF Arizona)
) ss:
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 3rd day of May,
2016, by Beau Randall Wood

Witness my hand and official seal:

Jennifer Toel
Notary Public

My commission expires: Nov 23, 2018



20160304324

EXHIBIT "A"

CENTURYLINK
UTILITY EASEMENT
DEDICATION

A CENTURYLINK UTILITY EASEMENT SITUATED WITHIN THE PARCEL DESCRIBED IN DOCUMENT #2015-0728543 M.C.R. BEING THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 5, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, AZ.

EXCEPT THE SOUTH 145.00 FEET.

SAID CENTURYLINK UTILITY EASEMENT BEING THE NORTH 8.00 FEET OF THE ABOVE DESCRIBED PARCEL.



EXPIRES: 3/31/2019

INITIAL DETERMINATION REQUEST

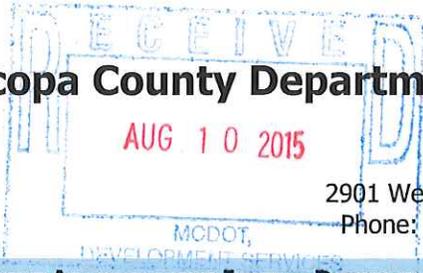
LETTER TO REQUESTOR

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 INITIAL DETERMINATION REQUEST

Applicant Name: BEAU WOOD Tracking NO: PAB-0019
 Mailing Address: 2705 E DRYWOOD RD
 City: PHOENIX STATE: AZ ZIP: 85024
 Telephone: 602 739 2251
 Email: BEAU.WOOD1@YAHOO.COM Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: #210-14-008-A

- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
103 E QUARTZ ROCK RD
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
ABANDON PATENT EASEMENT ON NORTH SIDE OF PARCEL #210-14-008-A

SIGNATURE

Beau Wood 8/10/15
 Signature of Applicant* 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

Initial Determination Fee: \$250.00 Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>250.00</u>	Received By: 
	Check #: <u>Cash</u> Date: <u>8/10/15</u>	



Maricopa County
Department of Transportation

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

August 28, 2015

Beau Wood
2705 E. Drywood RD
Phoenix, AZ 85024

Attn: Mr. Wood

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 **210-14-008A** and identified as tracking No. **PAB-0019**.

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.

Objection has been received from Century Link.

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 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.

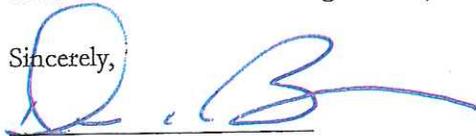
After the utility objection has been resolved and you wish to proceed with the abandonment, go to the MCDOT website at <http://www.mcdot.maricopa.gov/easements/home.htm> and open up the Patent Easement Link at the left side of the page. Print the Abandonment Application in Step 2 and submit it as instructed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

NOTE:

Be advised, that 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 Officer
Ph: 602-506-1067

Enclosure:
Aerial Exhibit

cc: PAB-0019 - file

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB-0019

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	
		David Fritz	N/R	
		Gary Scott	N/R	
		Kevin Kottmer	N/R	
		Nicolaas Swart	N/R	
b	COUNTY	P&D	NO Objection	
		Real Estate	NO Objection	
		Parks	NO Objection	
		FCD	NO Objection	
c	UTILITIES	APS	NO Objection	5d
		Century Link	OBJECTION	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
		Phoenix Water	NO Objection	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A	N/A	
e	MUNICIPALITIES / TRIBES	N/A	N/A	

DATE: 08/28/2015

INIT: KG