



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0022 Federal Patent Easement Abandonment

Meeting Date: April 20, 2016

Supervisor District Effected: 2

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 40655 N. 60th ST and being identified as Assessor Parcel No. 211-44-087B.

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 from County Departments.
Opposition by affected utilities has been resolved by applicant and utilities now have no objection.

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/No Opposition letters from utilities
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

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: Walter Perkins Tracking NO: PAB- 0022
Mailing Address: 40655 N. 60th St
City Cave Creek STATE: AZ ZIP: 85331
Telephone: 602-568-8888
Email: wclayp@gmail.com Fax No: _____

PARCEL DETAIL

RECEIVED
FEB 04 2016
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Assessor's Parcel Number: 211-44-087B

1. **Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
29050 N. 60th St., Cave Creek, AZ 85331

2. **Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
Abandon Easement bordering the north side of parcel 211-44-087B

- 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.

I, _____ 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

Walter Perkins

Signature of Applicant

2-4-16

Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: **\$1,600.00***

Total Received: 1350.00

Check #: 4759

Date: 2-4-16

Received By:

LH

Make check payable to: MCDOT
2901 West Durango Street
Phoenix, AZ 85009

* 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.



September 1, 2015

Jennifer Urbanz
40655 N 60th Street
Cave Creek AZ 85331

RE Loan #: 3290126616
29050 North 60th Street
Cave Creek AZ 85331

Dear Dr. Urbanz,

We have reviewed the Patent Easement Abandonment Application attached to your email dated 8/31/2015 which was received by Mimi Milstein of Johnson Bank.

The survey you also provided via a separate cover indicates there would be no adverse impact to the property's value or ingress/egress by removal of the easement from the lot.

Johnson Bank approves your request to abandon the patent easement on this lot.

If you have any further questions, please contact our mortgage servicing department toll free at 888-769-3796, or via e-mail at mortgageservicing@johnsonbank.com.

Thank you,

Louis Burg
Consumer Special Assets Manager
Direct telephone number: 262-554-3999

CC Mimi Milstein

RECEIVED

FEB 03 2015

MCDOT

Recording Requested by:
First American Title Insurance Company.

1437518204663-4-4-1--
chagolla

When recorded mail to:
Urbanz-Perkins Family Trust dated April 12, 2009
40655 North 60th Street
Cave Creek, AZ 85331

WARRANTY DEED

File No. 207-5714195 (SC)

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

Pierre Marie Justin Remus, a single man, the GRANTOR does hereby convey to

Walter Perkins and Jennifer Urbanz, Trustees of The Urbanz-Perkins Family Trust dated April 12, 2009, the GRANTEE

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

The Northeast quarter of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 28, Township 5 North, Range 4 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except all oil, gas and other mineral deposits as reserved in the Patent from United States of America;
and

Except the South 152.5 feet.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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 05, 2015

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INDIVIDUAL ACKNOWLEDGMENT CERTIFICATE

VENUE

Hong Kong

(Country)

Hong Kong

(State, Province, etc.)

Consulate General of the

(City)

United States of America

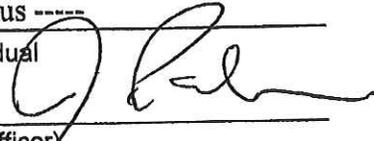
(Name of consular post)

ss.

I certify that on this day the individual named below appeared before me and acknowledged to me that the attached instrument was executed freely and voluntarily.

----- Pierre Marie J. Remus -----

(Typed Name of Individual)



(Signature of Consular Officer)

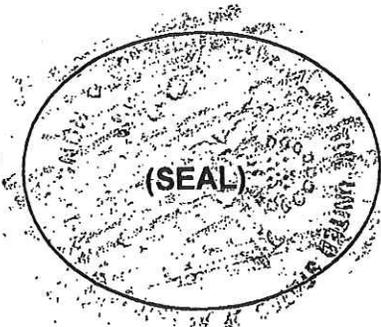
Joseph R. Palombo
U.S. Vice Consul

(Typed Name of Consular Officer)

(Title of Consular Officer)

07-14-2015

Date (mm-dd-yyyy)



RECEIVED

FEB 03 2015

MCDOT

File No.: 207-5714195 (SC)
A.P.N.: 211-44-087B 0

Warranty Deed - continued

BENEFICIARY DISCLOSURE

July 05, 2015

First American Title Insurance Company
18291 North Pima Road, Suite 145
Scottsdale, AZ 85255

RE: Escrow No. 207-5714195

The undersigned, being the Trustee(s) of the Urbanz-Perkins Family Trust dated April 12, 2009, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: Emily Ann Perkins
ADDRESS: 40655 N. 60th St.
Cave Creek, AZ 85331

NAME: Anderson Lewis Perkins
ADDRESS: 40655 N. 60th St.
Cave Creek, AZ 85331

NAME: _____
ADDRESS: _____

Urbanz-Perkins Family Trust dated April 12, 2009

Walter Perkins, Trustee
Walter Perkins, Trustee

Jennifer Urbanz, Trustee
Jennifer Urbanz, Trustee

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FEB 05 2015

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**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB-0022

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

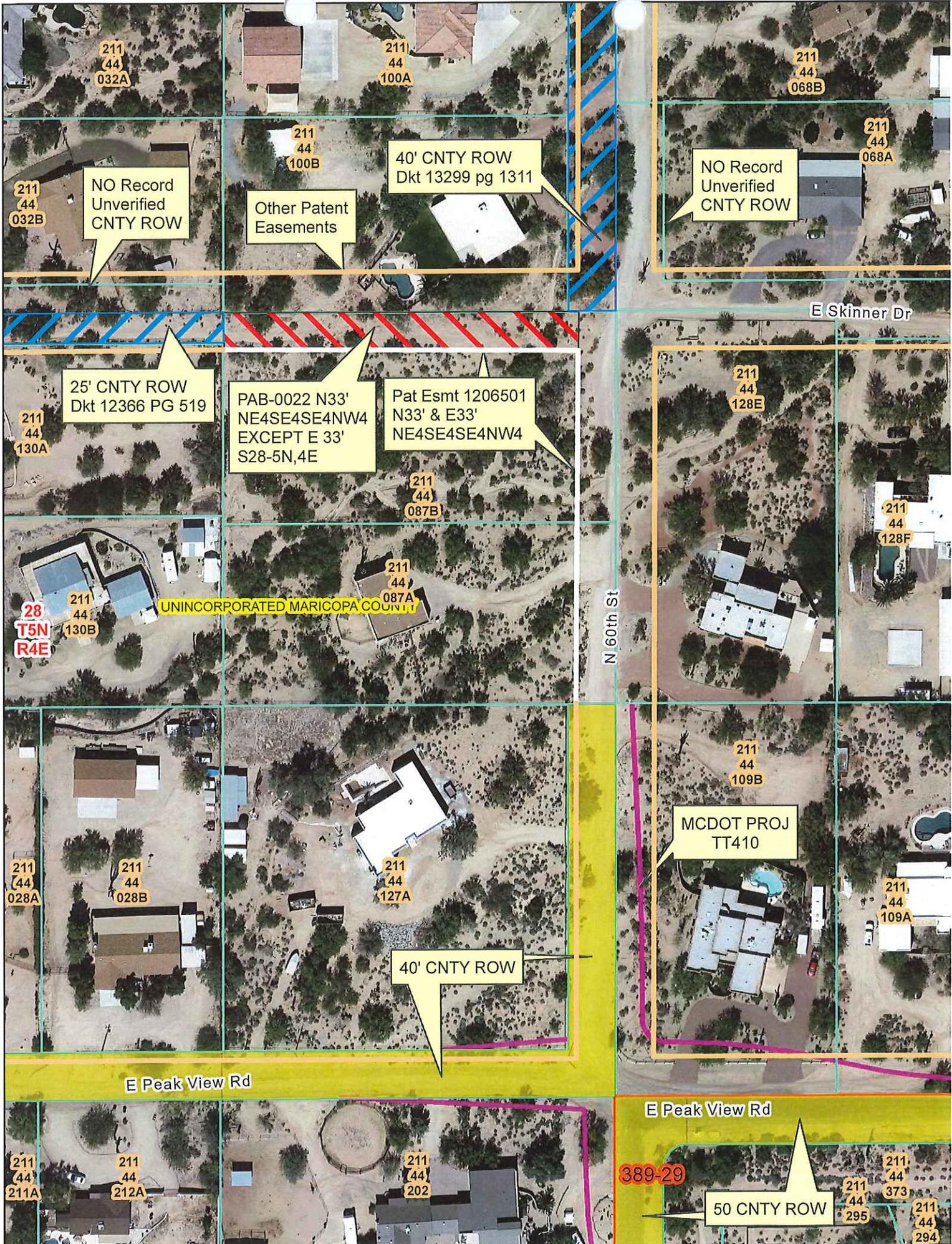
Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	B Woodring	N/R	
		A Horn	No Objection	
		D Lacey	N/R	
		D Fritz	No Objection	
		E Erives	No Objection	
		K Kottmer	No Objection	
		N Swart	N/R	
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	No Objection	
		SRP	N/A	
		SWG	No Objection	
		Scottsdale Water	No Objection	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 3/7/2016

INIT: KG

AERIAL EXHIBIT
PATENT EASEMENT
UTILITY APPROVAL LETTERS



NO Record
Unverified
CNTY ROW

Other Patent
Easements

40' CNTY ROW
Dkt 13299 pg 1311

NO Record
Unverified
CNTY ROW

25' CNTY ROW
Dkt 12366 PG 519

PAB-0022 N33'
NE4SE4SE4NW4
EXCEPT E 33'
S28-5N,4E

Pat Esmt 1206501
N33' & E33'
NE4SE4SE4NW4

28
T5N
R4E

UNINCORPORATED MARICOPA COUNTY

MCDOT PROJ
TT410

40' CNTY ROW

50 CNTY ROW

E Peak View Rd

E Peak View Rd

389-29

Arizona 013750

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

Betty R. Halbert Recharich

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. 4 E.,

Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

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 **FOURTEENTH** day of **MARCH** 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 *Patricia W. Co* Chief, Patents Section.

Patent Number 1206501



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

February 02, 2016

Maricopa County DOT
2901 W Durango St
Phoenix, AZ 85009

CenturyLink Tracking #

A1506345

Response to request for abandonment
Your File Number PAB-0022

This is in response to your request of September 02, 2015 for the abandonment of Public Utility Easement on the property located at 29050 N 60th Street 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 no interest in the north boundary of said Patent Easement 1206501.

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

Yours truly,

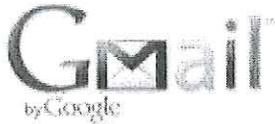
A handwritten signature in black ink that reads "Mary Hutton".

Mary Hutton
ROW Engineer

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FEB 02 2016

MCDOT



Walter Perkins <wclayp@gmail.com>

water line easement dedication

Mann, Doug <DMANN@scottsdaleaz.gov>

Tue, Dec 29, 2015 at 7:43 AM

To: Clay Perkins <wclayp@gmail.com>

Cc: "jnsdevcon@aol.com" <jnsdevcon@aol.com>, Jennifer Urbanz <jurbanz@eyecareforanimals.com>, "Morris, Joe" <JDMORRIS@scottsdaleaz.gov>

Mr. Perkins – thank you for assisting us in acquiring this easement for our water line. We now have no objection to your request through the County to process the release of a G.L.O.P.E. adjacent to your property. Print this email and provide it to the County, if necessary, to document your compliance with our request. Best wishes for the new year.

Doug Mann

9379 E San Salvador Drive

Scottsdale, AZ 85258

480.312.5636



"Water Sustainability through Stewardship, Innovation and People"

From: Clay Perkins [mailto:wclayp@gmail.com]

Sent: Sunday, December 27, 2015 7:20 PM

To: Mann, Doug

Cc: jnsdevcon@aol.com; Jennifer Urbanz; Morris, Joe

Subject: Fwd: water line easement dedication

[Quoted text hidden]

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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

RECEIVED
SEP 02 2015
MCDOT

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION REQUEST

Applicant Name: Walter Perkins Tracking NO: **PAB0022**
 Mailing Address: 40655 N. 60th St.
 City: Cave Creek STATE: AZ ZIP: 85331
 Telephone: 602-568-8888
 Email: wclayp@gmail.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 211-44-087B

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

29050 N. 60th St., Cave Creek, AZ 85331

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

Abandon U.S.A. Patent Easement bordering the north side of parcel 211-44-087B.
All surrounding properties have other access. Parcel to the north (211-44-100B)
has built in northern half of this U.S.A Patent Easement.

SIGNATURE

Signature of Applicant*

8/31/15

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

Initial Determination Fee:
\$250.00

Total Received: 250⁰⁰
Check #: 4754

Date: 9-2-15

Received By:

Make check payable to: MCDOT
2901 West Durango Street
Phoenix, AZ 85009



Maricopa County
Department of Transportation

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

September 24, 2015

Walter Perkins
40655 N. 60th St.
Cave Creek, AZ 85331

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FEB 04 2016

MCDOT

Attn: Mr. Perkins

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 **211-44-087B** and identified as tracking No. **PAB-0022**.

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 **City of Scottsdale Water and Centurylink**.

Section 5d of Maricopa County ordinance P-34 states that No abandonment of a patent easement can occur over objection from any Utility. Since **City of Scottsdale Water and Centurylink** have objected you will need to Contact **Doug Mann** at **City of Scottsdale** by phone at 480-312-5636 or email DMANN@scottsdaleaz.gov and **Mary Hutton** at **Century Link** by phone at 602-630-7778 or email Mary.Hutton1@centurylink.com to resolve the objections. 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-0022 - file

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB-0022

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:

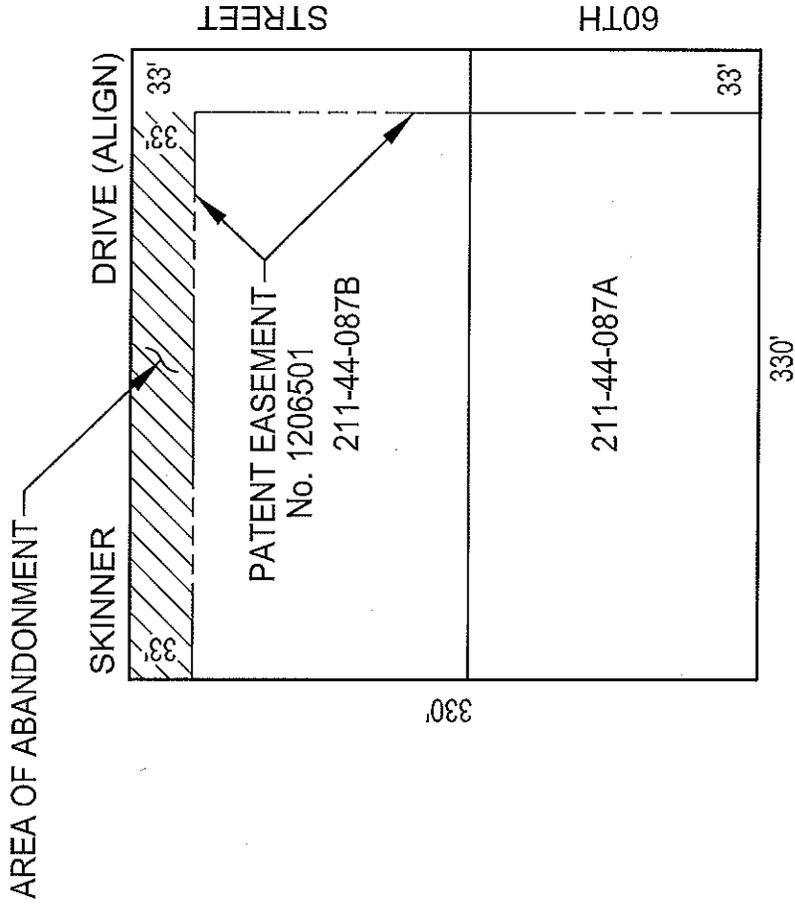
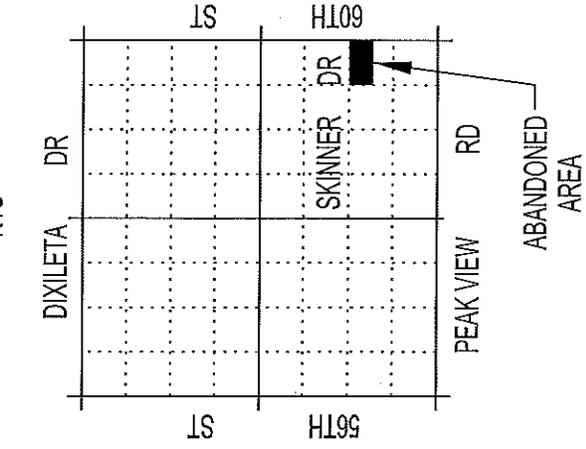
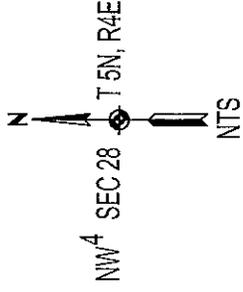
		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection	
		Denise Brewer		
		Denise Lacey		
		Benny Dominguez	No Objection	
		Gary Scott		
		Kevin Kottmer		
		Nicolaas Swart	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	Sect 5d
		Century Link	OBJECTION	
		Cox	No Objection	Sect 5d
		SRP		
		SWG	No Response	
		Scottsdale Water	OBJECTION	
		Town of Cave Creek water		
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 9/18/2015

INIT: MK

PATENT EASEMENT ABANDON FILE NO. PAB-0022

MARICOPA COUNTY PUBLIC WORKS - REAL ESTATE DIVISION



LEGAL DESCRIPTION
PAB-0022

EXHIBIT "A"

Assessor Parcel No. 211-44-087B

That portion of the easement described in Patent 1206501, lying in the Northwest quarter of Section 28 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North 33 feet of the NE4 SE4 SE4 NW4 of said Section 28. EXCEPT the East 33 feet thereof.



5/17/2016

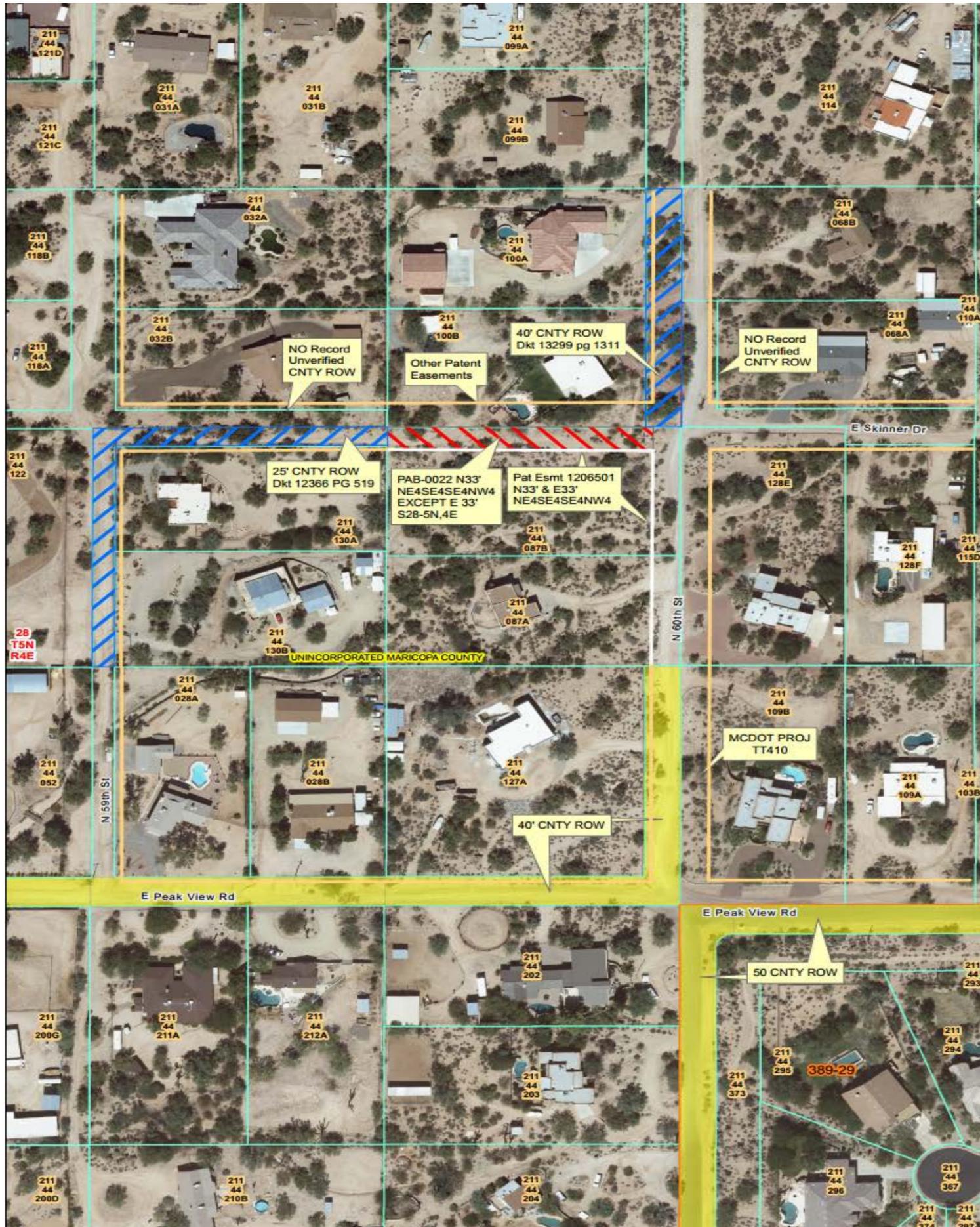


5/17/2016

PUBLIC NOTICE

MARICOPA COUNTY, ARIZONA PATENT EASEMENT ABANDONMENT PAB-0022

NOTICE IS HEREBY GIVEN that Pursuant to A.R.S §11-251.16, a public hearing will be held before the Board of Supervisors of Maricopa County, Arizona, on the 20th day of July, 2016, at 9:30 a.m., in the Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona, to consider the abandonment on Patent Easement No. PAB-0022, a portion of Skinner Drive at 29050 N 60th Street.



All persons wishing to appear for or against said Patent Easement Abandonment PAB-0022 are directed to attend the hearing or file a statement in writing with the Maricopa Department of Transportation, Attention: Ken Green, 2801 W Durango St, Phoenix, Arizona, 85009, prior to the hearing.

DATED this 16th day of May, 2016

COB1145-6-1-1--
Garcia

CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0022)
(C-64-16-096-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)
County of Maricopa)

I, Fran McCarroll, 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 July 20, 2016:

8. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0022

Convene a hearing for Road File No. PAB-0022 to consider the request to abandon a portion of a Federal Patent Easement Number 1206501. Notice conditions and the request for comment requirements have been met.

Therefore, pursuant to provisions in A.R.S. §11-251.16, Maricopa County Ordinance No. P-34 and Maricopa County Department of Transportation Procedure # P5203, it is recommended by the Department of Transportation Director, that the Board of Supervisors resolves to abandon a portion of a Federal Patent Easement, Road File No. PAB-0022. Legal description of the easement to be abandoned is identified as Exhibit "A." In addition, direct the Clerk of the Board to record the Board of Supervisors resolution with the County Recorder. Supervisory District No. 2 (C-64-16-096-M-01)

Motion to approve by Supervisor Gallardo, seconded by Supervisor Chucri

Ayes: Hickman, Kunasek, Chucri, Barney, 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 July 22, 2016.



Clerk of the Board of Supervisors



**RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0022
C-64-16-096-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 60th Street and Skinner Drive was reserved for roadway and public utilities purposes in Patent Number 1206501: 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-0022
C-64-16-096-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

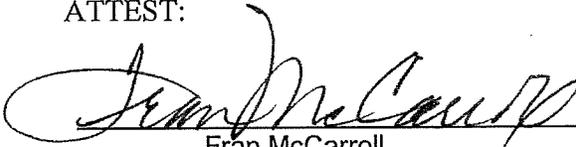
PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this

20th day of July, 2016.



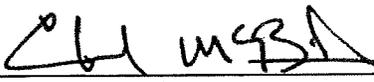
Chairman of the Board of Supervisors
Maricopa County

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



Legal Counsel

LEGAL DESCRIPTION
PAB-0022

EXHIBIT "A"

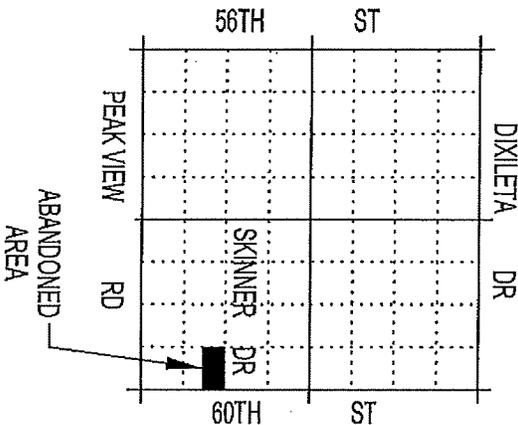
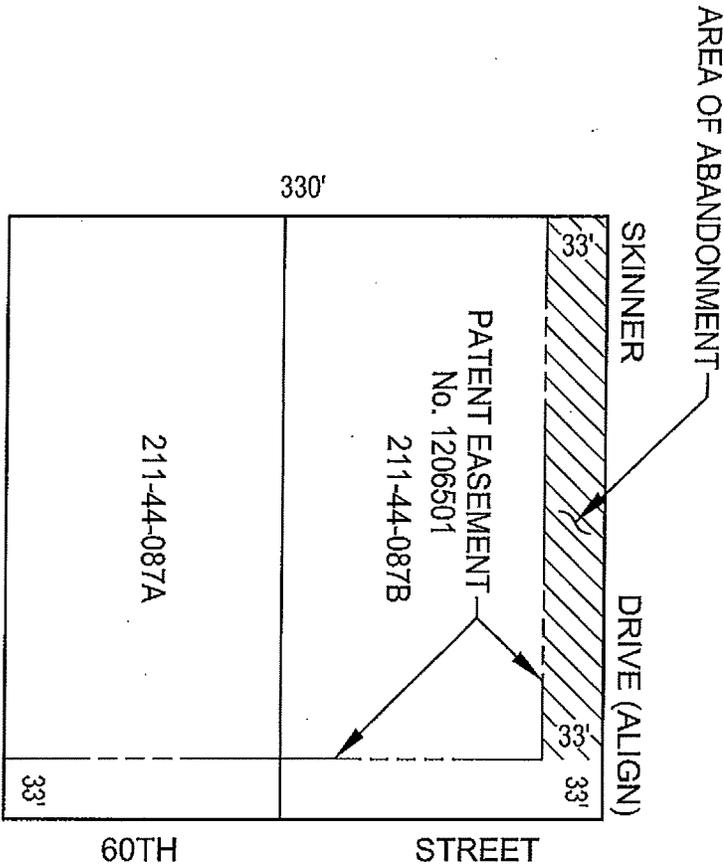
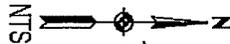
Assessor Parcel No. 211-44-087B

That portion of the easement described in Patent 1206501, lying in the Northwest quarter of Section 28 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North 33 feet of the NE4 SE4 SE4 NW4 of said Section 28. EXCEPT the East 33 feet thereof.

PATENT EASEMENT ABANDON FILE NO. PAB-0022

NW⁴ SEC 28 T 5N, R4E



Section 28, T5N, R4E

W.O. No. P00103

Sheet 1 of 1