Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB0024 Federal Patent Easement Abandonment

Meeting Date: January 13, 2016 to set the hearing date.

Supervisor District Effected: 3

Applicant: Department of Transportation

Request: Approve the abandonment of the Patent easement as proposed by the owner of the property located at 37611 North 32nd Street, Phoenix and being identified as Assessor Parcel No. 211-69-025B and 025C.

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

RECEIVED
NOV 04 2015
By

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: MARK DEYMONAZ Tracking NO: PAB- 0024

Mailing Address: 4710 W OPPORTUNITY WAY

City ANTHEM STATE: AZ ZIP: 85086

Telephone: 602-373-9404

Email: MARK@TaylorTours.com Fax No: 623-445-0353

PARCEL DETAIL

Assessor's Parcel Number: 211-69-025B & 025C

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

   37611 N 32ND ST

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

   ABANDON EASEMENT BORDERING THE WEST SIDE OF PARCEL 211-69-025B & 025C

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, MARK DEYMONAZ 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

4 day of November, 2015

Deborah Stamile

NOTARY PUBLIC

My Commission Expires:

Deborah Stamile
Notary Public - Arizona
Maricopa County
My Commission Expires
June 20, 2016

SIGNATURE

Signature of Applicant

11-4-15

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 #: 1054

Date: 11/4/15

Received By:

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.

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150530031 07/23/2015 12:05
ELECTRONIC RECORDING

15100121-2-2-1--
ramirezp

NOV 04 [illegible]
By

DHI Title

Recording requested by:
DHI TITLE AGENCY

When Recorded Return To:
J R Fantin Homes, LLC, a Utah limited liabilty company and MAD Lands, LLC an Arizona limited liability company
2802 E Cloud Rd
Cave Creek, AZ 85331

1/1

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow No. 200-151000121

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations,

Darrell Hulsing and Meridy J Hulsing, husband and wife

do/does hereby convey to

J R Fantin Homes, LLC, a Utah limited liabilty company and MAD Lands, LLC an Arizona limited liability company

the following real property situated in Maricopa County, Arizona:

The South 145.00 feet of the South half of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 34, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

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

Subject to existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record. And the Grantor warrants the title against all persons whomsoever, subject to the matters above set forth.

Dated: July 22/15

Darrell Hulsing

Meridy J Hulsing

20150530031

WARRANTY DEED
(Continued)

RECEIVED
NOV 04 2015
BY

STATE OF ARIZONA

COUNTYOFMARICOPA

Subscribed and sworn to before me on this 22 day of July, 2015, by Darrell Hulsing and Meridy J Hulsing, who acknowledged themselves to be the person(s) who signed the foregoing instrument for the purposes therein contained.

Notary Public, State of Arizona
My Commission Expires: 9/3/16

(SEAL)

OFFICIAL SEAL
ANGELA D. HUKILL
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 3, 2016

DHI Title

20150530035 07/23/2015 12:06
ELECTRONIC RECORDING

15100556-2-2-1--
ramirezp

RECORDED
NOV 04 2015
By

Recording requested by:
DHI TITLE AGENCY

When Recorded Return To:
JF Fantin Homes, LLC a Utah limited liability company and MAD Lands, LLC an Arizona limited liabilty
2802 E Cloud Rd
Cave Creek, AZ 85331

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow No. 200-151000556

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations,

Elizabeth M. Harris, as Trustee of the Emil C. Gibson Irrevocable Resource Trust, dated November 20,2014

do/does hereby convey to

JF Fantin Homes, LLC a Utah limited liability company and MAD Lands, LLC an Arizona limited liabilty

the following real property situated in Maricopa County, Arizona:

The South half of the Northwest quarter of the Northeast quarter of the Northeast quarter of Section 34, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the South 145.00 feet therof.

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

Subject to existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record. And the Grantor warrants the title against all persons whomsoever, subject to the matters above set forth.

Dated: 7/22/15

Elizabeth M. Harris, as Trustee of the Emil C. Gibson Irrevocable Resource Trust, dated November 20,2014

BY: Elizabeth M Harris
Elizabeth M Harris Trustee

NOV 04 20..
By

Date 11/4/15

Maricopa County Department of Transportation
2801 W Durango Street
Phoenix, AZ 85009

Re: Property Owner Authorization

This letter shall serve as authorization for Mark Deymonaz to represent JR Fantin Homes LLC, in the request for easement abandonment related to my property located at 37611 N 22ND ST, APN # 211-69-025B & 211-69-025C. I am partial owner with MAD Lands LLC of the property as evidenced in the deed recorded at 20150530031 & 20150530035.

Additionally I understand that it is the applicant's responsibility to communicate any verbal or written communications on said application. I hereby request that all verbal and written communications regarding this application be provided to Mark Deymonaz.

Sincerely,

JR Fantin Homes LLC

Jim Fantin

Manager

MAD Lands LLC

Mark Deymonaz

Manager

Deborah Stamile
Notary Public - Arizona
Maricopa County
My Commission Expires
June 20, 2016

Deborah Stamile
11/04/15

PATENT EASEMENT ABANDONMENT APPLICATION CHECKLIST

Application ID: PAB0024

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	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	N/R	
		Century Link	No Objection	
		Cox	N/R	
		SRP	N/R	
		SWG	N/R	
		Scottsdale Water	N/R	
		Town of Cave Creek water	N/R	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

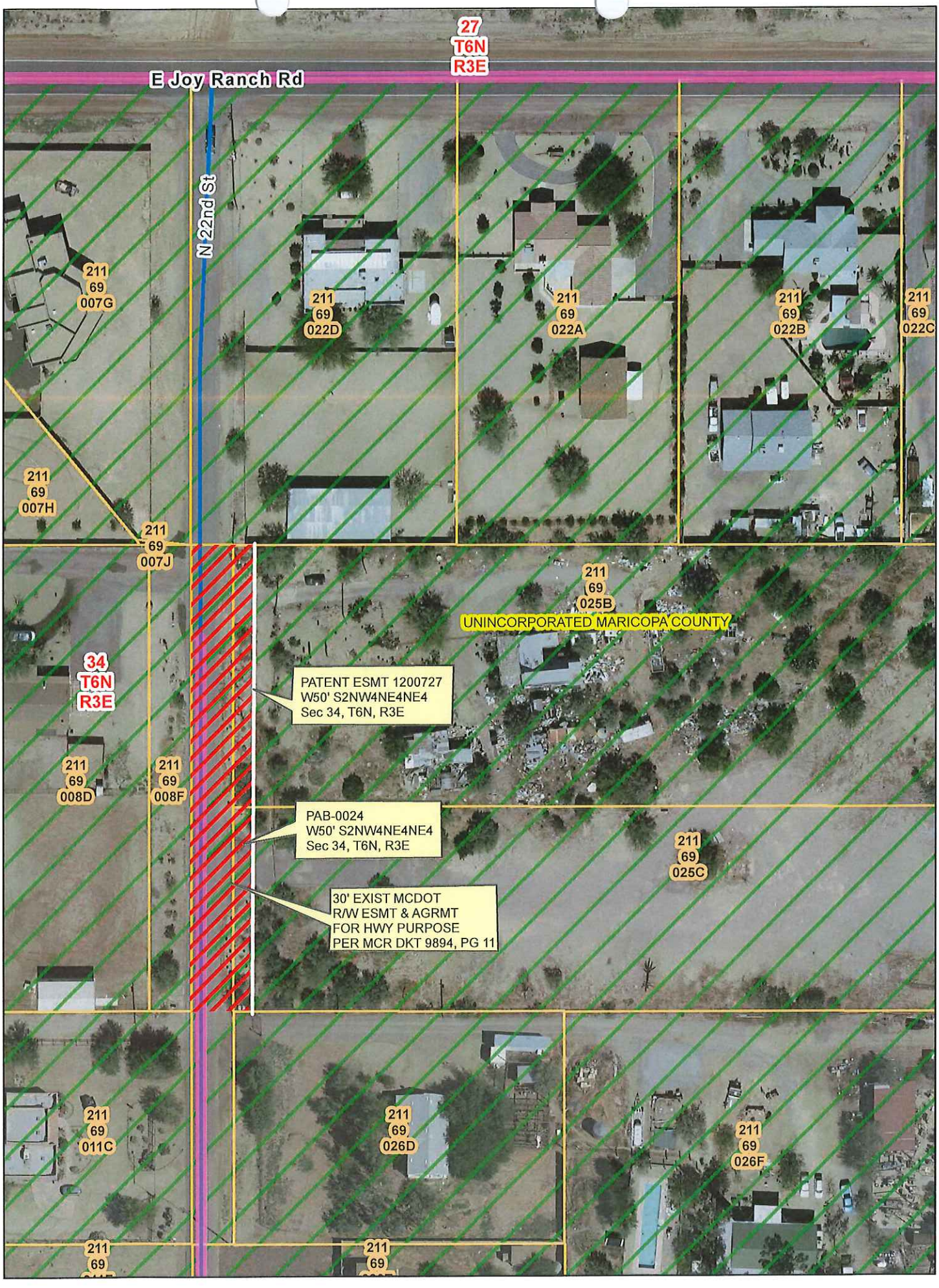
DATE: 12/9/2015

INIT: MK

AERIAL EXHIBIT

PATENT EASEMENT

REPLACEMENT EASEMENT


27
T6N
R3E
E Joy Ranch Rd
N 22nd St
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007G
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022D
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022A
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UNINCORPORATED MARICOPA COUNTY
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T6N
R3E
PATENT ESMT 1200727
W50' S2NW4NE4NE4
Sec 34, T6N, R3E
211
69
008D
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008F
PAB-0024
W50' S2NW4NE4NE4
Sec 34, T6N, R3E
211
69
025C
30' EXIST MCDOT
R/W ESMT & AGRMT
FOR HWY PURPOSE
PER MCR DKT 9894, PG 11
211
69
011C
211
69
026D
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69
026F
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211
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4-1222
(Aug. 1957)

Arizona 016165

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

John L. Quebedeaux

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. 6 N., R. 3 E.,

Sec. 34, S½NW¼NE¼NE¼.

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 50 feet in width, for roadway and public utilities purposes, to be located along the west boundary 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-SIXTH day of OCTOBER in the year of our Lord one thousand nine hundred and FIFTY-NINE 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. Tolley
Acting Chief, Patents Section.

Patent Number 1200727

GPO 866837

INITIAL DETERMINATION REQUEST

LETTER TO REQUESTOR

INITIAL RESPONSE CHECKLIST

Maricopa County
Department of Transportation

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

October 14, 2015

Mark Deymonaz
4210 W. Opportunity Way
Anthem, AZ 85086

Attn: Mr. Deymonaz

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 211-69-025B and identified as tracking No. PAB-0024.
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-0024 - file

Maricopa County Department of Transportation

Engineering Division

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

RECEIVED
SEP 24 2015
MCDOT

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION REQUEST

Applicant Name: Mark Deymonaz Tracking NO: PAB-0024

Mailing Address: 4210 W Opportunity Way

City Anthem STATE: AZ ZIP: 85086

Telephone: 602-373-9404

Email: Mark@taylortours.com Fax No: —

PARCEL DETAIL

Assessor's Parcel Number: 211-69-025B & 211-69-025C

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

37611 N 22ND St Phoenix 85086
These Parcels will be one in process of split & Survey

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

Abandon Easement bordering the west side of
Parcel 211-69-025B & 211-69-025C

SIGNATURE

Mel Deymonaz
Signature of Applicant*

9-23-15
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

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

Total Received: 250.00
Check #: 1019
Date: 9/24/15
Received By: CO

PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST

Application ID: PAB0024

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
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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

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		REVIEWER	COMMENT	DISQUALIFYING CRIITERIA
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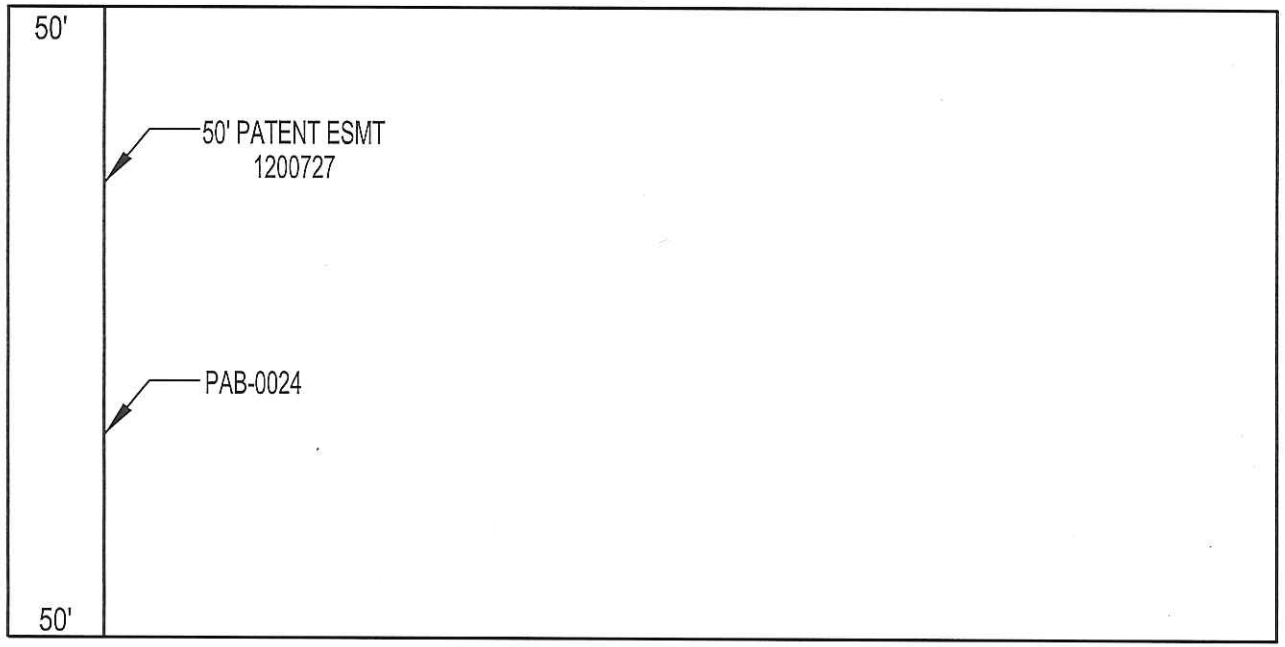
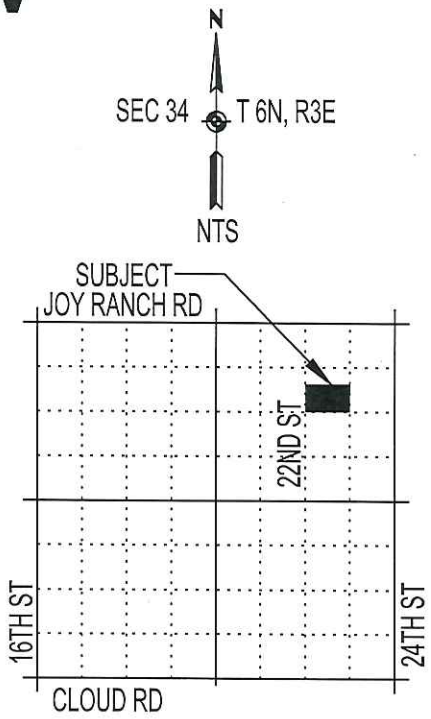
		Denise Brewer	No Response	
		Denise Lacey	No Response	
		Benny Dominguez	No Response	
		Gary Scott	No Response	
		Kevin Kottmer	No Response	
		Nicolaas Swart	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Response	
c	UTILITIES	APS	No Objection	
		Century Link	Opposed	
		Cox	N/A	(Sect 5d
		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: 10/13/2015

INIT: MK

PATENT EASEMENT ABANDON
FILE NO. PAB-0024





EXHIBIT

MARICOPA COUNTY PUBLIC WORKS - REAL ESTATE DIVISION

Section 34, T6N , R3E

W.O. No. P00102

Sheet 1 of 1

LEGAL DESCRIPTION
PAB-0024

EXHIBIT "A"

Assessor Parcel No. 211-69-025B & 025C

That portion of the easement described in Patent 1200727, lying in the Northeast quarter of Section 34 – T6N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 50 feet of the S2 NW4 NE4 NE4 of said Section 34.

PATENT EASEMENT ABANDONMENT
RECORD OF CERTIFIED LETTERS

Application ID: PAB-0024

SENT TO	ADDRESS	APN	DATE	COMMENT RECIEVED	DATE
Mark Deymonaz - applicant	4210 W OPPORTUNITY WAY, ANTHEM, AZ 85086	211-69-025B & 025C	1-14-2016		
LINDA M. PAVOLA - abutting	2209 E JOY RANCH RD., PHOENIX, AZ 85086	211-69-022D	1-14-2016		
2142 EAST SERENE STREET LLC – abutting	2142 E SERENE ST, PHOENIX, AZ 85086	211-69-007G	1-14-2016		
JLK REAL ESTATE INVEST CORPORATION - abutting	6730 E MCDOWELL RD STE 116 , SCOTTSDALE, AZ 85257	211-69-008F	1-14-2016		
ROBIN M. WAHLEN & MICHAEL L. TAILFORD - abutting	37516 N 22ND ST , PHOENIX, AZ 85086	211-69-011C	1-14-2016		
E EDWARD TRAPP LTD 401KEZ PENSION PLAN - abutting	3509 E SHEA BLVD 117F, PHOENIX, AZ 85028	211-69-026D	1-14-2016		

DATE: 1/14/2016

INIT: KG