Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0026 Federal Patent Easement Abandonment

Meeting Date: April 6, 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 East of and adjacent to 3544 W NEW RIVER RD and being identified as Assessor Parcel No. 202-12-005D.

Approve the abandonment of that portion of the Patent easement as proposed by the owner of the property located East of and adjacent to 3544 W NEW RIVER RD and being identified as Assessor Parcel No. 202-12-005D.

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d.
No comments in opposition have been received.

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

Department Recommendation:

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

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

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

APPLICATION

PROOF OF OWNERSHIP

APPLICATION RESPONSE CHECKLIST

Maricopa County Department of Transportation

Engineering Division

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

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: Raymond Brown Tracking NO: PAB- 0026

Mailing Address: 3310 W. Bell Rd #1002

City Phx., AZ STATE: AZ ZIP: 85053

Telephone: 602-789-7400

Email: Ray.PersonToPerson@GMail.com Fax No:

PARCEL DETAIL

Assessor's Parcel Number: 202-12-005D

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

   Patent Easement Abandonment

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

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, Raymond Brown 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

20 day of January, 2016

NOTARY PUBLIC 1/20/16

My Commission Expires:

ELIZABETH S. VALENZUELA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
October 29, 2019

SIGNATURE

Raymond A Brown
Signature of Applicant

1-20-16
Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

			Received By:
Application Fee: $1,600.00*	Total Received: $1350.00		
	Check #: 2253	Date: 1-20-16	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.

Unofficial Document

1632220

Recorded at the request of
when recorded mail to

Fundit 5, LLC
10645 N. Tatum Blvd #200-455
Phoenix, AZ 85028

20

16
fr

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we, **Raymond A. Brown, a married man, as his sole and separate property,** do/does hereby convey to **Fundit 5, LLC, an Arizona Limited Liability Company,** the following real property situated in **Maricopa,** County, Arizona:

The North 301.00 feet of the South 351.00 feet of the East 145.00 feet of GLO Lot 14, Section 27, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

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 September 22, 2008

Raymond A Brown
Raymond A. Brown

STATE OF ARIZONA
COUNTY OF **MARICOPA** } SS:

This instrument was acknowledged before me this 12 day of ~~September~~ December, 2008, by: Raymond A. Brown

My Commission Expires: 9-29-2012

Anissa D. Casto
Notary Public

OFFICIAL SEAL
ANISSA D. CASTO
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sep. 29, 2012

PATENT EASEMENT ABANDONMENT APPLICATION CHECKLIST

Application ID: PAB-0026

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)	Y	
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	(Sect 5b)
		David Fritz	NO Objection	
		Denise Lacey	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	N/R	
		Century Link	NO Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	NO Objection	
		Scottsdale Water	N/A	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 2/22/2016 INIT: MK

AERIAL EXHIBIT

PATENT EASEMENT

REPLACEMENT EASEMENT

33' Pat Esmt
PAT No.
1160023
PAB-0026
E33' of N301' of
S351' of E145'
of GLO Lot 14
50' County
ROW p/d
1996-0647658
and Dkt 4291
PG 591
UNINCORPORATED MARICOPA COUNTY
W New River Rd
N 35th Ln
N Kelly Rd
27
T7N
R2E
26
T7N
R2E
202 12 070A
202 12 039B
202 12 039D
202 11 013
202 12 026C
202 11 006E
202 12 005A
202 12 026F
202 11 006D
202 12 005B
202 12 038A
202 12 026G
202 12 026A
202 11 006B
202 12 005C
202 12 005D
202 11 006C
202 12 019A
202 12 014D
202 12 014C
202 12 022A
202 11 010D

4-1922
(Oct. 1955)

Arizona 0366

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 **Larry W. Stephenson**

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. 7 N., R. 2 E.,

sec. 27, Lot 14.

The area described contains **5.01** 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-FIFTH** day of **MAY** in the year of our Lord one thousand nine hundred and **FIFTY-SIX** and of the Independence of the United States the one hundred and **EIGHTIETH.**

[SEAL]

For the Director, Bureau of Land Management.

By W. M. Beall

Chief, Patents Section.

Patent Number **1160023**

U. S. GOVERNMENT PRINTING OFFICE 16—68764-3

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20160037599 01/20/2016 01:11
ELECTRONIC RECORDING

EBROWN-5-1-1--
Yorkm

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

RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

The undersigned **Fundit 5, L.L.C., an Arizona Limited Liability Company,** ("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# _____

Initials AB

RECORDING INFORMATION ABOVE

GRANTOR(S):
Fundit 5, L.L.C.,
an Arizona Limited Liability Company,

By: Raymond Brown

Name: Raymond Brown

Title: Managing Member

STATE OF Arizona)
) ss:
COUNTY OF Maricopa)

The foregoing instrument was acknowledged before me this 20 day of January, 2016, by Raymond Brown as managing Member of Fundit 5, L.L.C., an Az limited liability Co.

Witness my hand and official seal:

Gayla L. Thompson

Notary Public

My commission expires: 8-7-19

GAYLA L. THOMPSON
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
August 7, 2019

R/W# _____ Job #
Exchange: NEWRIVER County: Maricopa
NE ¼ of Section: 27 Township: 7N Range: 2E

EXHIBIT "A"

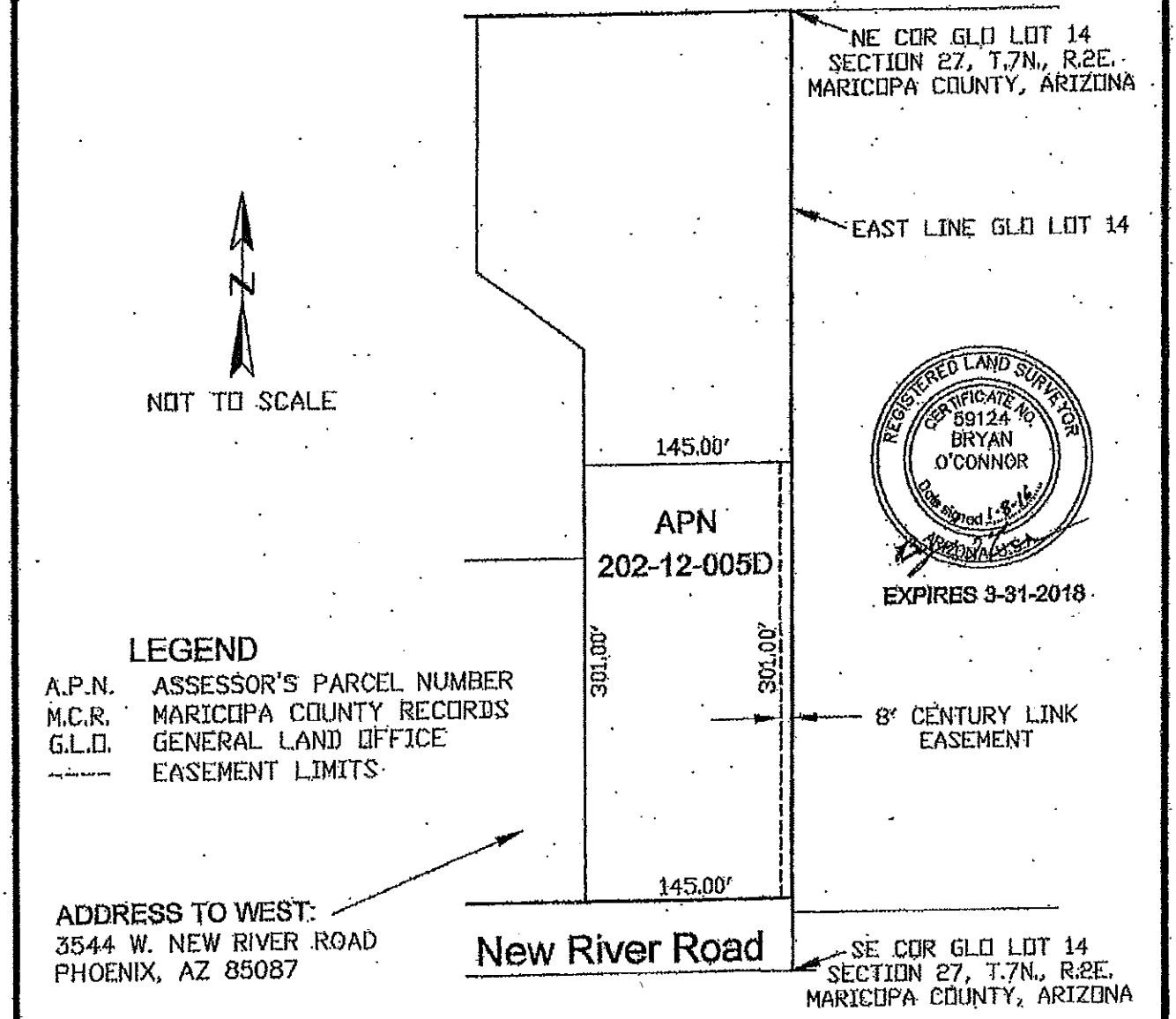
CENTURY LINK EASEMENT
LEGAL DESCRIPTION:

The East 8.00 feet of the North 301.00 feet of the South 351.00 feet of G.L.O. Lot 14, Section 27, Township 7 North, Range 2 East of the Gila Salt River Base and Meridian Maricopa County, Arizona. All within Parcel D as shown on "Record of Survey" "Minor Land Division" Book 980, Page 15 Records of Maricopa County, Arizona.

EXPIRES 3-31-2018

EXHIBIT "B"

TO ACCOMPANY CENTURY LINK EASEMENT LEGAL DESCRIPTION



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
59124
BRYAN
O'CONNOR
Date signed 1-8-16
ARIZONA U.S.A.

EXPIRES 3-31-2018

LEGEND

A.P.N.	ASSESSOR'S PARCEL NUMBER
M.C.R.	MARICOPA COUNTY RECORDS
G.L.O.	GENERAL LAND OFFICE
----	EASEMENT LIMITS

ADDRESS TO WEST:
3544 W. NEW RIVER ROAD
PHOENIX, AZ 85087

REFERENCES USED:
RECORDED SURVEY IN BOOK 980,
PAGE 15 M.C.R.

GLOBAL LAND
SURVEYING LLC
JOB # 1512004
1-8-16
PAGE 1 OF 1

20160037599

COURTESY RECORDING INSTRUCTIONS

(No ATSA Escrow File)

***** This page must be attached to the document(s) being sent for recording. *****

The undersigned hereby requests that American Title Service Agency, LLC. record at its convenience as a courtesy, the following documents:

Easement

The undersigned acknowledges and understands that:

This instrument, given with no expressed consideration, monetary or otherwise, is executed voluntarily and not as the result of duress or threats of any kind, and is a bona fide and not given to hinder, delay or defraud the rights of creditors or contravene the bankruptcy laws of the United States.

a. This document(s) has not been prepared by American Title Service Agency, LLC., in connection with any escrow which it is administering or otherwise, and American Title Service Agency, LLC. is not acting as and is not assuming any of the duties or obligations of an escrow agent in connection with the recordation of the above-referenced document(s). In addition, the parties agree that American Title Service Agency, LLC. is not responsible or liable for any compensation due to or from the parties hereunder, given or expected, as a result of this transaction.

b. American Title Service Agency, LLC. is acting at the request of the undersigned, without compensation of any nature, solely to act in the capacity of a messenger to deliver said document(s) to the office of the County Recorder for recording;

c. American Title Service Agency, LLC. has not performed any title search or examination, nor has it verified the correctness of any legal description pertinent to said document(s); and

d. American Title Service Agency, LLC. has not examined the contents, signature(s) or notarization of said document(s) for accuracy, legal compliance or correctness of purpose.

Further, the undersigned acknowledges bargained for consideration between the parties to these instructions and hereby specifically releases, holds harmless and agrees to indemnify American Title Service Agency, LLC. from and against any and all liability and responsibility and expense of whatever nature involved in connection with any aspect of the preparation, content, legal efficacy, execution or notarization of said document(s), whether furnished to the undersigned as a blank form or not, or in connection with its timely recording, and regardless of whether it is ever recorded or not, for any reason, including the loss or misplacing of said document(s) by an employee or agent of American Title Service Agency, LLC., County Recorder or anyone else.

Recording fees in the amount of $10.00 are attached.

❖ **All checks MUST BE payable to American Title Service Agency, LLC.**

Date: January 20, 2016

Signature(s) of Requesting Party:

Ray Brown

Ray Brown

Address of Requesting Party:

3310 W. Bell Rd. #1002
Address

Phoenix, AZ 85053
City, State, Zip Code

602-789-7400
Phone Number

Document forwarded to the recording desk by:

Office/Branch: 2929 E Camelback Road, Suite 218, Phoenix, AZ 85016
Branch Phone No.: (602) 424-7200
Employee's Name: Eileen Brown / Eileen Brown

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
OCT - 6 2015

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION REQUEST

Applicant Name: Raymond Brown Tracking NO: PAB-0026

Mailing Address: 3310 W. Bell Rd #1002

City Phoenix STATE: AZ ZIP: 85053

Telephone: 602-789-7400

Email: Ray.Personto Person@Gmail.com Fax No: 623-476-8637

PARCEL DETAIL

Assessor's Parcel Number: 202-12-005D

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

   3540 W. New River Road

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

   Abandon Easement (Patent) bordering E, Side of property

SIGNATURE

Raymond Brown — **Signature of Applicant***

10-6-15 — **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 #: 2233 Date: 10/6/15

DS2015-3595

Received By:

Maricopa County

Department of Transportation

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

November 2, 2015

Raymond Brown
3301 W Bell Rd #1002
Phoenix, AZ 85053

Attn: Mr. Brown

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 202-12-005D and identified as tracking No. PAB-0026.
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 a Utility 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 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. 480-415-4302 cell

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-0026 - file

PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST

Application ID: PAB0026

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

DATE: 11/2/2015 INIT: KG

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20160428066 06/20/2016 12:48
ELECTRONIC RECORDING

COB1137-6-1-1--
chagollaj

CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0026)
(C-64-16-095-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, 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* ***June 8, 2016****:*

8. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0026

Road File No. PAB-0026 to abandon a portion of Federal Patent Easement Number 1160023, lying in GLO Lot 14 of Section 27 – T7N, R2E, 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: New River Road and 35th Avenue, and known as Assessor Parcel 202-12-005D.

Pursuant to provisions in A.R.S. §11-251.16, Maricopa County Ordinance No. P-34 and Maricopa County Department of Transportation Procedure # P5203, a NOTICE of the hearing by certified mail shall be sent to the applicant and all abutting property owners no less than 60 days prior to the hearing date. Therefore the date set for the hearing shall be the first board meeting no less than 60 days from the date the Board sets the hearing. In addition, a notice shall be posted in the area of the proposed abandonment no less than 60 days prior to the hearing date. Supervisory District No. 3 (C-64-16-095-M-01)

Motion to approve by Supervisor Chucri, seconded by Supervisor Barney

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 June 8, 2016.*

Clerk of the Board of Supervisors

File
MCDOT
Email Distribution List

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0026
C-64-16-095-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 New River Road and 35th Avenue was reserved for roadway and public utilities purposes in Patent Number 1160023: 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)

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 that 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

18th day of May, 2016.

Chairman of the Board of Supervisors
Maricopa County

ATTEST:

~~Fran McCarroll~~ CONSTANCE COPELAND
DEPUTY 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

5/18/16
Legal Counsel

LEGAL DESCRIPTION
PAB-0026

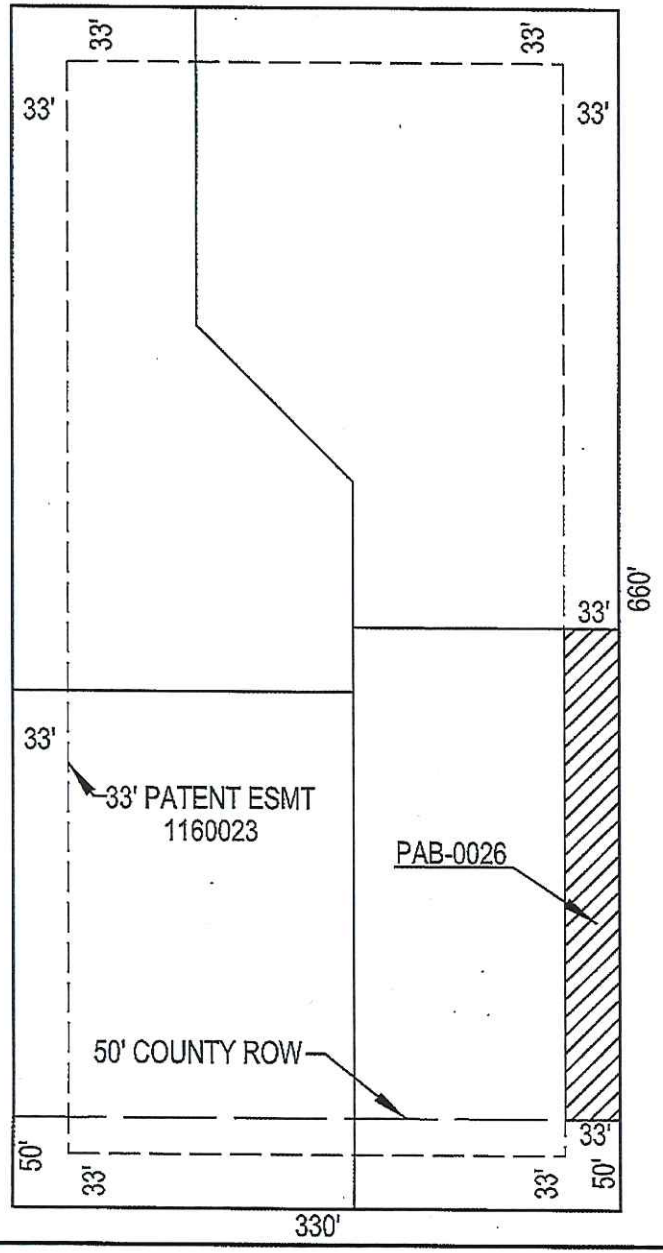
EXHIBIT "A"

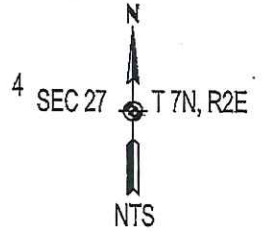
Assessor Parcel No. 202-12-005D

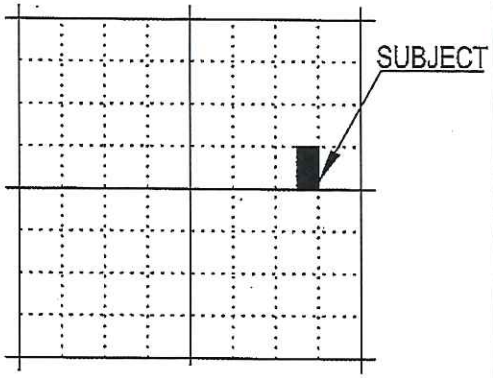
That portion of the easement described in Patent 1160023, lying in GLO Lot 14 of Section 27 – T7N, R2E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East 33 feet of the North 301 feet of the South 351 feet of the East 145 feet of GLO Lot 14 of said Section 27.

PATENT EASEMENT ABANDON
FILE NO. PAB-0026







EXHIBIT

MARICOPA COUNTY PUBLIC WORKS - REAL ESTATE DIVISION

Section 27, T7N, R2E
W.O. No. P00102

Sheet 1 of 1

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