



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0011 Federal Patent Easement Abandonment

Meeting Date: September 23, 2015

Supervisor District Effected: 3

Applicant: Department of Transportation

Request: Approve the abandonment of that portion of the Patent easements as proposed by the owner of the property located at property having no address and being identified as Assessor Parcel No. 202-12-059B.

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

JUL 17 2015

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: Salvatore Mule' Tracking NO: PAB- 0011
 Mailing Address: 8217 W Park Ave
 City: Niles STATE: ILL ZIP: 60714
 Telephone: 847-338-3315
 Email: toto56@comcast.net Fax No: 847-827-2081

PARCEL DETAIL

Assessor's Parcel Number: 202-12-059-B

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

47819 N 41st Ave

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

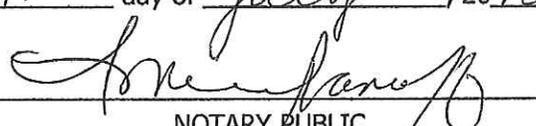
Abandon N,S & E 50' easements on patent 1219909 & N,S,&W 50' easements on patent 1223759 except within 117 right away.

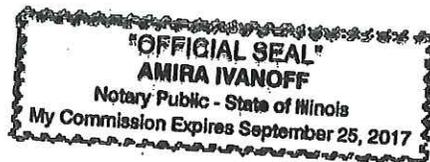
- Applicant is **REQUIRED** to be the current owner of the described property. A copy of your property deed must be attached to the application.
- If you have a mortgage, deed of trust, upon your property you are **REQUIRED** to provide a letter from the lender approving your request to abandon a patent easement. Applications submitted without lender approval will not be processed.
- If you don't have a mortgage or deed of trust on the subject property, you will need to sign, before a notary, the affidavit below attesting to that status.

I, Salvatore Mule' 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:

11 day of July, 2015

 NOTARY PUBLIC



SIGNATURE


 Signature of Applicant

7/11/15
 Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00*	Total Received: <u>1,350.00</u>	Received By: 
	Check #: <u>1788</u>	Date: <u>07/17/2015</u>
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.

HELEN PURCELL

20050619646 05/11/2005 01:40

ELECTRONIC RECORDING

Recording requested by:
NORTH AMERICAN TITLE COMPANY

When recorded mail to:
Salvatore Mule and Rosa Mule

8217 W. Park Ave.

Niles, IL 60714

ESCROW NO. AZ-05-21002491RAA

21002491-3-3-2---

Sotor

2/2

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Harold Keith Sartorius and Jacinda P. Sartorius, husband and wife

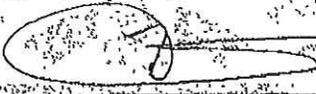
do hereby convey to

Salvatore Mule and Rosa Mule, husband and wife, as joint tenants with right of survivorship
the following described real property situated in Maricopa, Arizona:

SEE LEGAL DESCRIPTION EXHIBIT "A" ATTACHED HERETO.

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, the Grantor warrants the title against all persons whomsoever.

Dated: May 6, 2005



Harold Keith Sartorius



Jacinda P. Sartorius

State of Arizona
County of Maricopa

On 5/10/05 before me, the undersigned a Notary Public in and for said County and State, personally appeared Harold Keith Sartorius and Jacinda P. Sartorius 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



Signature Ruth A. Abraham

My Commission expires 6/24/08

NOTE: The parties are cautioned that by completing and executing this document, legal rights, duties and obligations are created. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained in the within document prior to signing same and that said parties have obtained advice to choose to proceed without same.

http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=131572 [20050619646] 4 Pages

ACCEPTANCE OF JOINT TENANCY WITH RIGHT OF SURVIVORSHIP

Salvatore Mule and Rosa Mule, husband and wife each being duly sworn, upon oath, for himself or herself and jointly, but not one for the other, deposes and says: THAT I am the Grantee in that certain Warranty Deed which is dated May 6, 2005, executed by Harold Keith Sartorius and Jacinda P. Sartorius, husband and wife to Salvatore Mule and Rosa Mule, husband and wife and which instrument conveys the following described property:

SEE LEGAL DESCRIPTION EXHIBIT "A" ATTACHED HERETO.

THAT each of the undersigned individually and jointly as such Grantees hereby declare that it is their intention to accept such conveyance as joint tenants with right of survivorship, and not as a community property estate and not as tenants in common, and to acquire any interest in said real property under said Warranty Deed as joint tenants with right of survivorship, and not as a community property estate and not as tenants in common.

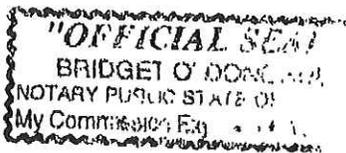
Dated May 6, 2005

Salvatore Mule
Salvatore Mule
Rosa Mule
Rosa Mule

State of ILLINOIS
County of COOK

On MAY 10TH, 2005 before me, the undersigned a Notary Public in and for said County and State, personally appeared Salvatore Mule and Rosa Mule 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.



Signature Bridget O'Donoghue
My Commission expires 6/18/08

NOTE: The parties are cautioned that by completing and executing this document, legal rights, duties and obligations are created. By signing, the parties acknowledge that they have been advised to seek and obtain independent legal counsel as to all matters contained in the within document prior to signing same and that said parties have obtained advice to choose to proceed without same.

http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=131572 [20050619646] 4 Pages

EXHIBIT "A"

A portion of land located in the Southwest quarter of Section 27, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more described as follows:

COMMENCING at the Southwest corner of Section 21, a found GLO cap;
 thence South 89 degrees 47 minutes 48 seconds East (Basis of Bearings per Book 633 of Maps, page 10) along the South line of said Section 27, a distance of 1320.28 feet;
 thence North 00 degrees 09 minutes 55 seconds East a distance of 1322.00 feet to the Southwest corner of the Northeast quarter of said Southwest quarter;
 thence South 89 degrees 49 minutes 10 seconds East a distance of 330.06 feet to a 1/2" rebar capped LS 12451, said point being the POINT OF BEGINNING;
 thence North 00 degrees 08 minutes 15 seconds East a distance of 662.41 feet to a found 1/2" rebar with an affixed tag marked LS 22258;
 thence South 89 degrees 33 minutes 35 seconds East a distance of 330.53 feet to a 5/8" rebar with an affixed tag marked LS 22258;
 thence South 89 degrees 33 minutes 35 seconds East a distance of 330.53 feet to a 5/8" rebar with an affixed tag marked LS 22225;
 thence South 89 degrees 49 minutes 33 seconds East a distance of 138.76 feet to a point on the Westerly right of way of Interstate Highway 17, a non tangent point of curvature to the left, having a radius of 28743.90 feet, a central angle of 01 degrees 19 minutes 36 seconds and a chord bearing South 06 degrees 41 minutes 58 seconds West, from which the radius point bears South 82 degrees 38 minutes 14 seconds East;
 thence along the arc of said curve and right of way 665.50 feet;
 thence North 89 degrees 46 minutes 52 seconds West a distance of 393.24 feet back to the POINT OF BEGINNING.

20050619646
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL



The foregoing instrument is an
electronically prepared
full, true and correct copy
of the original record in this
office.

Attest: 11/06/2014 04:36:22 PM

By  Recorder

To Verify this purchase visit
<http://recorder.maricopa.gov/reccdocdata/verifycert.aspx?id=131572>

EXHIBIT "A"

A portion of land located in the Southwest quarter of Section 27, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more described as follows:

COMMENCING at the Southwest corner of Section 27, a found GLO cap;
thence South 89 degrees 47 minutes 48 seconds East (Basis of Bearings per Book 633 of Maps, page 10) along the South line of said Section 27, a distance of 1320.28 feet;
thence North 00 degrees 09 minutes 55 seconds East a distance of 1322.00 feet to the Southwest corner of the Northeast quarter of said Southwest quarter;
thence South 89 degrees 49 minutes 10 seconds East a distance of 330.06 feet to a 1/2" rebar capped LS 12451, said point being the POINT OF BEGINNING;
thence North 00 degrees 08 minutes 15 seconds East a distance of 662.41 feet to a found 1/2" rebar with an affixed tag marked LS 22258;
thence South 89 degrees 33 minutes 35 seconds East a distance of 330.53 feet to a 5/8" rebar with an affixed tag marked LS 22225;
thence South 89 degrees 49 minutes 33 seconds East a distance of 138.76 feet to a point on the Westerly right of way of Interstate Highway 17, a non tangent point of curvature to the left, having a radius of 28743.90 feet, a central angle of 01 degrees 19 minutes 36 seconds and a chord bearing South 06 degrees 41 minutes 58 seconds West, from which the radius point bears South 82 degrees 38 minutes 14 seconds East;
thence along the arc of said curve and right of way 665.50 feet;
thence North 89 degrees 46 minutes 52 seconds West a distance of 393.24 feet back to the POINT OF BEGINNING.

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB0011

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	NR	
		Denise Lacey	NR	
		Tricia Brown	No Objection	
		Gary Scott	No Objection	
		Benny Dominguez	No Objection	
		Nicolaas Swart	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 8/19/2015

INIT: MK

AERIAL EXHIBIT
PATENT EASEMENT
REPLACEMENT EASEMENT



202
12
042A

202
12
042C

202
12
042D

202
12
079B

202
12
042B

SUNSET DR.

202
12
058A

50' Pat ESMT
to be Abandoned

50' PAT ESMT
to be abandoned

27
T7N
R2E

UNINCORPORATED MAP COPA COUNTY

202
12
059B

PAB-0011
N, E & S 50' E2SW4NE4SW4
N, W & S 50' W2SE4NE4SW4, EX lying
within I-17 R/W

202
12
058B

30' County ESMT per
Dkt 7046, Pg 105, abandoned
AB-284 appv'd by BOS 7/22/2015

50' PAT ESMT
to be abandoned

50' PAT ESMT
to be abandoned

NEWRIVER RD

202
12
034E

202
12
046C

202
12

202
12



Arizona 019310

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

William O. Peck

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, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

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 north, south and west 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
THIRD day of **NOVEMBER** in the year of
our Lord one thousand nine hundred and **SIXTY-ONE**
and of the Independence of the United States the one hundred
and **EIGHTY-SIXTH**.

(SEAL)

For the Director, Bureau of Land Management.

By Reith W. Talley
Chief, Patents Section.

Patent Number **1223759**

Arizona 019119

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
Mary A. Hankins

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, E. 1/2 SW 1/4 SW 1/4.

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 north, south 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 **TWENTY-THIRD** day of **MAY** in the year of our Lord one thousand nine hundred and **SIXTY-ONE** and of the Independence of the United States the one hundred and **EIGHTY-FIFTH.**

[SEAL]

For the Director, Bureau of Land Management.

By *W. H. ...*
Chief, Patents Section.

Patent Number **1219969**

20150375264 05/28/2015 08:18
ELECTRONIC RECORDING

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

MCMH052815-5-2-1--
chagollaj

RECORDING INFORMATION ABOVE
EASEMENT AGREEMENT

The undersigned Salvatore Mule and Rosa Mule, husband and wife, as joint tenants with right of survivorship, ("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.

Page 1 of 4

R/W# AZ052815MH01

Initials Sch. RM

EXHIBIT 'A'
 Legal Description
 For
 8 foot Easement

A 8 foot easement over South 8 feet of the Southeast quarter of the Northeast quarter of the Southwest quarter lying west of the Westerly right of way of Interstate Highway 17;

Together with;

The North 8 feet, East 8 and South 8 feet of the following described parcel of land;

A portion of land located in the Southwest Quarter of Section 27, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Section 27 being a G.L.O. cap from which the South Quarter being a G.L.O. cap bears South 89 degrees 47 minutes 44 seconds East, a distance of 2640.46 feet;

Thence South 89 degrees 47 minutes 44 seconds East along the South line of the Southwest quarter of said Section 27, a distance of 1320.23 feet to the Southwest corner of the Southeast quarter of the Southwest quarter;

Thence North 00 degrees 09 minutes 54 seconds East along the West line of the Southeast quarter of the Southwest quarter, a distance of 1321.81 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 27;

Thence South 89 degrees 48 minutes 36 seconds East along the South line of the Northeast quarter of the Southwest quarter, a distance of 329.97 feet to the Southwest corner of the East half of the Southwest quarter of the Northeast quarter of the Southwest quarter of said Section 27 and the **POINT OF BEGINNING**;

Thence North 00 degrees 09 minutes 40 seconds East along the West line of the said East half, a distance of 660.95 feet to the Northwest corner thereof;

Thence South 89 degrees 49 minutes 01 seconds East along the North line of the said East half, a distance of 329.92 feet to the Northeast corner thereof;

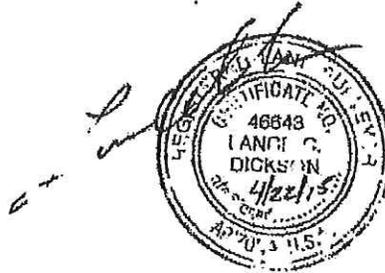
Thence continuing South 89 degrees 49 minutes 01 seconds East along the North line of the Southeast quarter of the Northeast quarter of the Southwest quarter, a distance of 142.59 feet the Westerly right of way line of Interstate Highway 17, a non-tangent point of curvature to the left, having a radius of 28743.90 feet, a central angle of 02 degrees 44 minutes 28 seconds, a chord bearing South 06 degrees 06 minutes 35 seconds West, chord length 1374.97 feet;

Thence along the arc of said curve and right of way, a distance of 1375.11 feet to the West line of the Southeast quarter of the Southeast quarter of the Southwest quarter of said Section 27;

Thence North 00 degrees 09 minutes 26 seconds East along said West line, a distance of 45.65 feet to the Southwest corner of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 27;

Thence North 00 degrees 10 minutes 53 seconds East along the West line of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 27, distance of 660.99 feet to a 1/2 " rebar with cap LS# 12451 marking the Northwest corner thereof;

Thence North 89 degrees 48 minutes 36 seconds West along the South line of the East half of the Southwest quarter of the Northeast quarter of the Southwest quarter, a distance of 330.25 feet to the **POINT OF BEGINNING**.



Expires 6/30/2016

INITIAL DETERMINATION REQUEST

LETTER TO REQUESTOR

INITIAL RESPONSE CHECKLIST

ELSWNEJW

PAB-0011



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: Salvatore Mule Tracking NO: _____
Mailing Address: 8217 W Park Ave
City: Aviles STATE: IL ZIP: 60714-1524
Telephone: 847-338-3315
Email: TOTO56@comcast.net Fax No: 847-827-2081

PARCEL DETAIL

Assessor's Parcel Number: 202-12-059-13

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

47819 N 41st Ave New River AZ 85087

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

~~Abandon 50' easements bordering the North, South and East Sides of 202-12-059-13~~
Abandon N.S & E 50' easements on patent 1219909 w/ N.S & W 50' easements on patent 1223759

SIGNATURE

Salvatore Mule
Signature of Applicant*

10/21/14
Date
EXCEPT within I-17 right of way

* Applicant is NOT required to be the current owner of the described property.

I concur
Salvatore Mule 11/7/14
signature date

NOTE: The fee for this review is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Initial Determination Fee: \$250.00	Total Received: <u>250.00</u>	Received By:
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>6785</u>	Date: <u>10-21-2014</u> <u>JR</u>
<u>DS 20143373</u>		



Maricopa County
Department of Transportation

Real Estate

2801 W. Dunango Street
Phoenix, AZ 85009
Phone: 602-506-1421
Fax: 602-506-4161
www.mcdot.maricopa.gov

March 26, 2015

Salvatore & Rosa Mule
8217 W. Park Ave
Niles, Ill 60714

Attn: Property owner

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 202-12-059B and identified as tracking No. PAB0011.

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,

Edmund Williams
Engineering Division, Manager .

Mike Wilson
Real Estate Div. Mngr.
Ph: 602-506-4706

Enclosure:

cc: Ben Scianna, Crown Realty (representative for applicant)
PAB-0011 - file

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB0011

A "YES" checked on any item on this list shall result in the letter of Initial Determination stating that pursuant to Section 5 of County ordinance (P-34) certain criteria do not meet abandonment requirements.

Disqualification Criteria	YES	NO
Road alignment has been Declared (Sect 5a)		X
Road alignment is maintained by MCDOT		X
Road alignment is needed for future r/w		X
Prop abandon shares border and is parallel to row dedicated to County or public (Sect 5b)	X	
Objection from any affected utility, Arizona State land, BLM or BOR (Sect 5d)	X	
Objection from any Municipality or Tribe, (Sect 5e)		X

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

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	NO Objection	
		Denise Lacey	NR	
		Ed Williams	NR	
		Gerald Toscono	NO Objection	
		Nicolaas Swart	NR	
		Tricia Brown	NO Objection	
b	COUNTY	P&D	NO Objection	
		RE Services	NO Objection	
		Parks	NR	
		FCD	NO Objection	
c	UTILITIES	APS	NO Objection	Sect 5d, Ord P-34
		Century Link	OBJECTION – Applicant to contact utility to resolve objection	
		El Paso Natural Gas	NR	
		Transwestern Pipeline	NR	
		AT&T	NO Objection	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 3/26/2015

INIT: KG

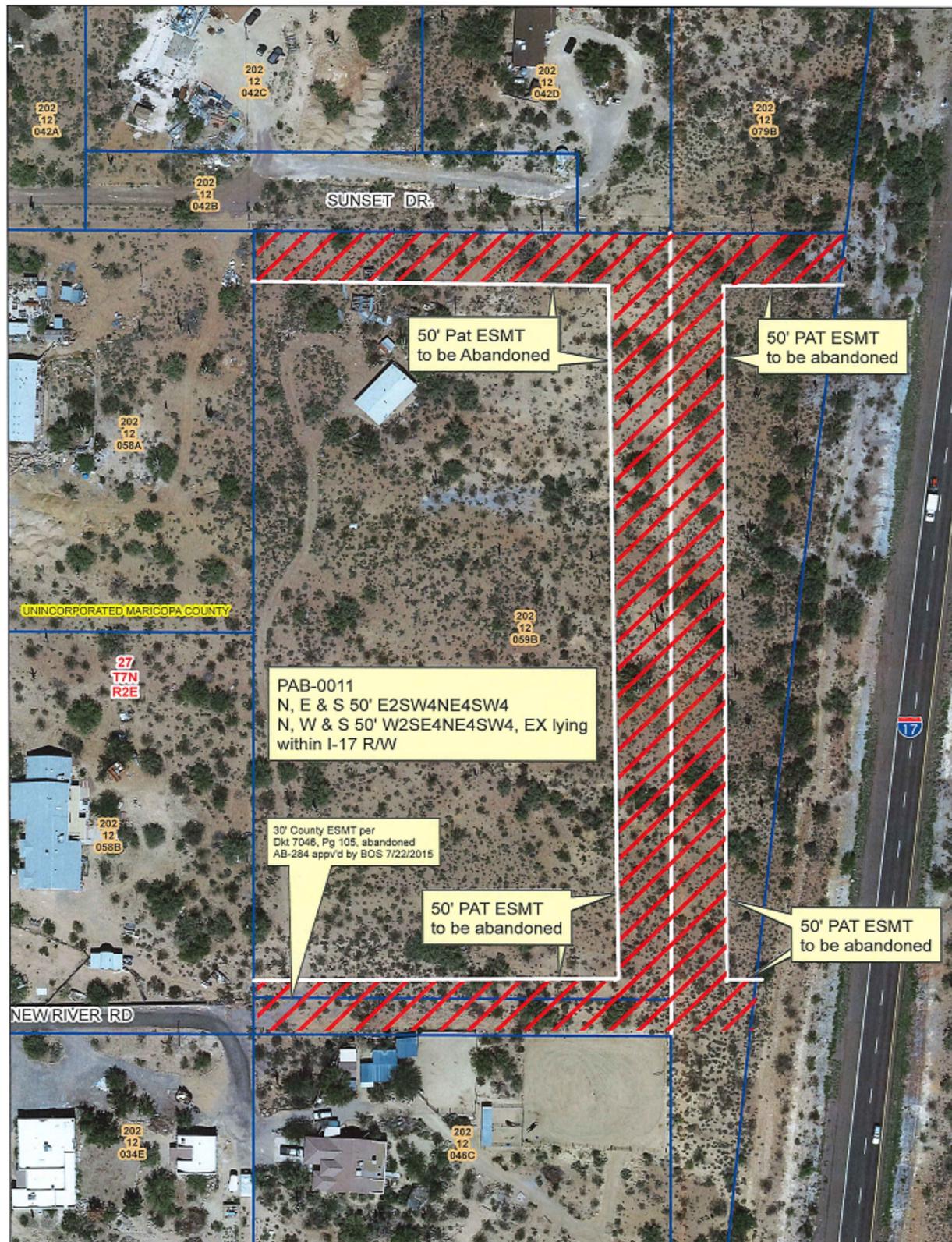


9/25/2015

PUBLIC NOTICE

MARICOPA COUNTY, ARIZONA PATENT EASEMENT ABANDONMENT PAB-0011

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 **December 9, 2015**, at **9:00 a.m.**, in the Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona, to consider the abandonment No. **PAB-0011**, abandoning patent easements on New River Road and Sunset Drive east of 41st Avenue, identified as **Assessor Parcel 202-12-059B**.



All persons wishing to appear for or against said Patent Easement Abandonment PAB-0011 are directed to attend the hearing or file a statement in writing with the Maricopa Department of Transportation, Attention: Mike King, 2801 W Durango St, Phoenix, Arizona, 85009, prior to the hearing.

DATED this 23rd day of September, 2015



9/25/2015