



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB0012 Federal Patent Easement Abandonment

Meeting Date: March 11, 2015 to set the hearing date.

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 6107 E. Windstone Trail and being identified as Assessor Parcel No. 211-45-087D.

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

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



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**APPLICATION
PROOF OF OWNERSHIP
APPLICATION RESPONSE CHECKLIST**



Maricopa County Department of Transportation

PAB-0012 Engineering Division

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

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: Elbridge G. Walker Tracking NO: PAB-0012
Mailing Address: 6107 E. Windstone Trail
City Cave Creek STATE: AZ ZIP: 85331
Telephone: 480-747-5725
Email: walkjudd@msn.com Fax No:

PARCEL DETAIL

Assessor's Parcel Number: 211-45-087D

- 1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
6107 E. Windstone Trail, Cave Creek, AZ, 85331
2. Description of Request: (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
Abandon Patent Easement on western boundary of property.
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.

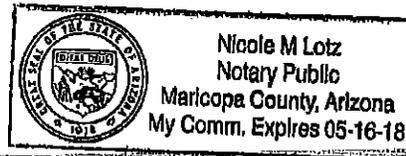
I, Elbridge G. Walker attest that I own the subject property and that it is not encumbered by mortgage or deed of trust.

SUBSCRIBED AND SWORN to before me this

My Commission Expires: May 16 2018

17th day of December, 2014

[Signature]
NOTARY PUBLIC



SIGNATURE

[Signature of Elbridge G. Walker]
Signature of Applicant

12-17-2014
Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00* Total Received:
Check #: Date:
Make check payable to: MCDOT
2901 West Durango Street
Phoenix, AZ 85009
Received By:

* 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.

EXHIBIT "A"

PARCEL NO.1

The West 165 feet of the Northwest quarter of the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 21, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 2

An easement for roadway access and public utilities over the North 20 feet and an easement for public utilities over the South 8 feet of the North 28 feet of the Northeast quarter of the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 21, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB0012

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

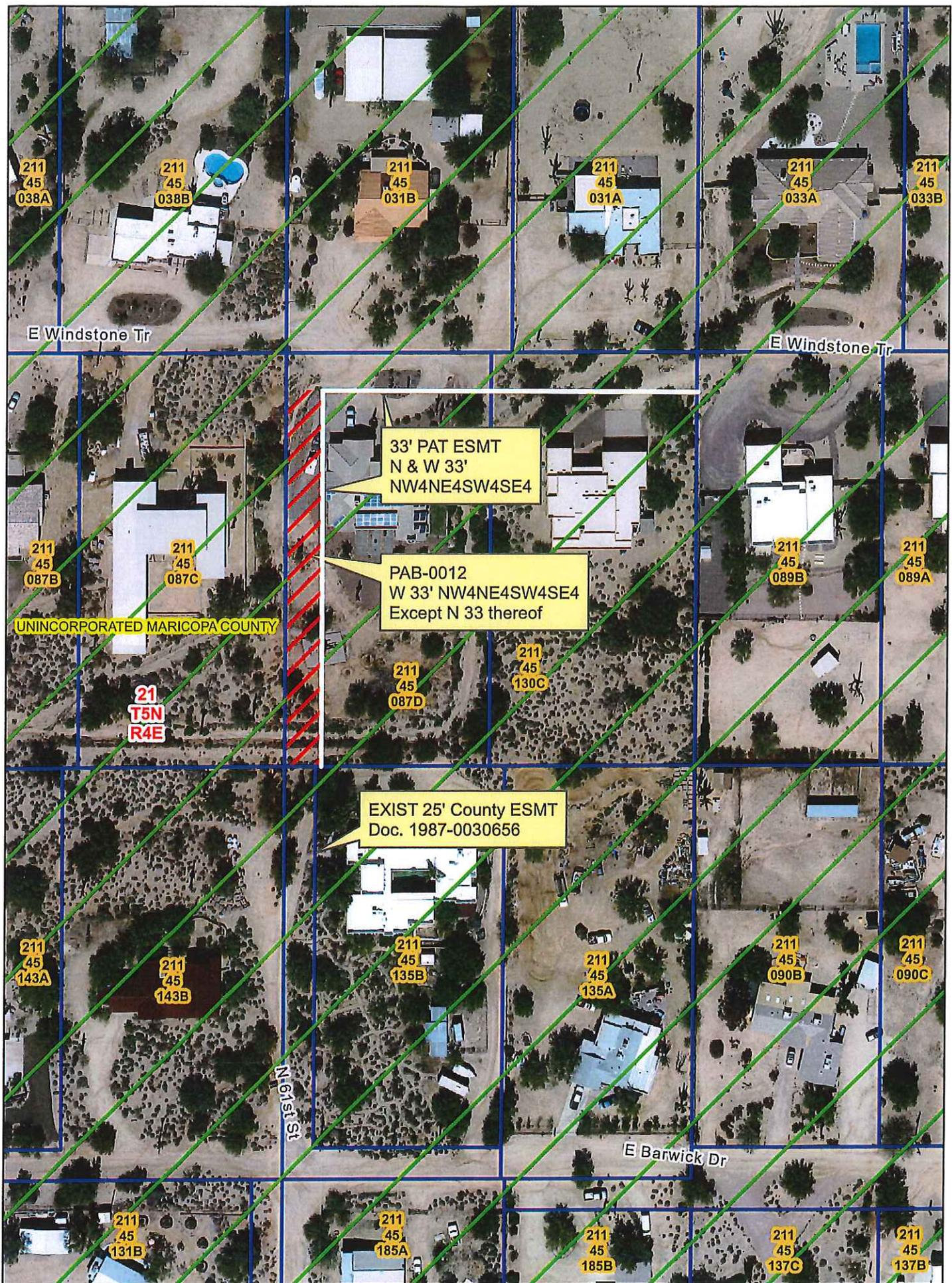
Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection	
		Denise Lacey	NR	
		Ed Williams	NR	
		Kevin Kottmer	NR	
		Gary Scott	No Objection	
		Jamie Winterstein	NR	
		Gerald Toscono	No Objection	
		Nicolaas Swart	No Objection	
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	No Objection	
		SRP	N/A	
		SWG	N/A	
		Scottsdale	No Objection	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 02/11/2015

INIT: KG

**AERIAL EXHIBIT
PATENT EASEMENT**



211
45
038A

211
45
038B

211
45
031B

211
45
031A

211
45
033A

211
45
033B

E Windstone Tr

E Windstone Tr

33' PAT ESMT
N & W 33'
NW4NE4SW4SE4

PAB-0012
W 33' NW4NE4SW4SE4
Except N 33' thereof

211
45
087B

211
45
087C

211
45
089B

211
45
089A

UNINCORPORATED MARICOPA COUNTY

21
T5N
R4E

211
45
087D

211
45
130C

EXIST 25' County ESMT
Doc. 1987-0030656

211
45
143A

211
45
143B

211
45
135B

211
45
135A

211
45
090B

211
45
090C

N 61st St

E Barwick Dr

211
45
131B

211
45
185A

211
45
185B

211
45
137C

211
45
137B

Arizona 013758

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

Josephine F. Mackenzie,

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. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

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:

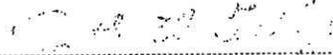
NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract 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 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 **FOURTH** day of **FEBRUARY** 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 
.....
Chief, Patents Section.

Patent Number 1204560

**INITIAL DETERMINATION REQUEST
LETTER TO REQUESTOR
INITIAL RESPONSE CHECKLIST**



Maricopa County Department of Transportation

PAB 0012

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: ELBRIDGE G. WALKER Tracking NO:
Mailing Address: 6107 E. WINDSTONE TRAIL
City: CAVE CREEK STATE: AZ ZIP: 85331
Telephone: 480-747-5725
Email: walkjudd@msn.com Fax No:

PARCEL DETAIL

Assessor's Parcel Number: 211-45-0874 D

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

6107 E. WINDSTONE TRAIL
CAVE CREEK, AZ 85331

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

ABANDON PATENT EASEMENT ON WEST SIDE
OF PROPERTY

SIGNATURE

Elbridge G. Walker

Signature of Applicant*

10-31-2014

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: \$250.00

Check #: 1019

Date: 10-31-2014

Received By: TR

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

November 20, 2014

Eldridge G. Walker
6107 E. Windstone Trail
Cave Creek, AZ 85331

Attn: Mr. Walker

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 211-45-087D and identified as tracking No. PAB0012.

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.

No objections have been received from any affected Utility, or governmental agency.

If your decision is to proceed, go to the MCDOT website and open up the Patent Easement Link at the left side of the page. Print the Abandonment Application and submit it as instructed in the application along with all documentation required in the application.

NOTE:

Be advised, that although no objections have been received, 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,

Handwritten signature of Edmund Williams in blue ink.

Edmund Williams
Engineering Division, Manager .

Handwritten signature of Mike Wilson in blue ink.

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

Enclosure:

cc: PAB-0012 - file

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB0012

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		Paul Driver	NR	
		Tricia Brown	No Objection	
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		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	No Objection	
		SRP		
		SWG		
		Scottsdale Water	No Objection	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 11/20/2014

INIT: KG



CYCLONE

PUBLIC NOTICE
[Map and text]

3/19/2015

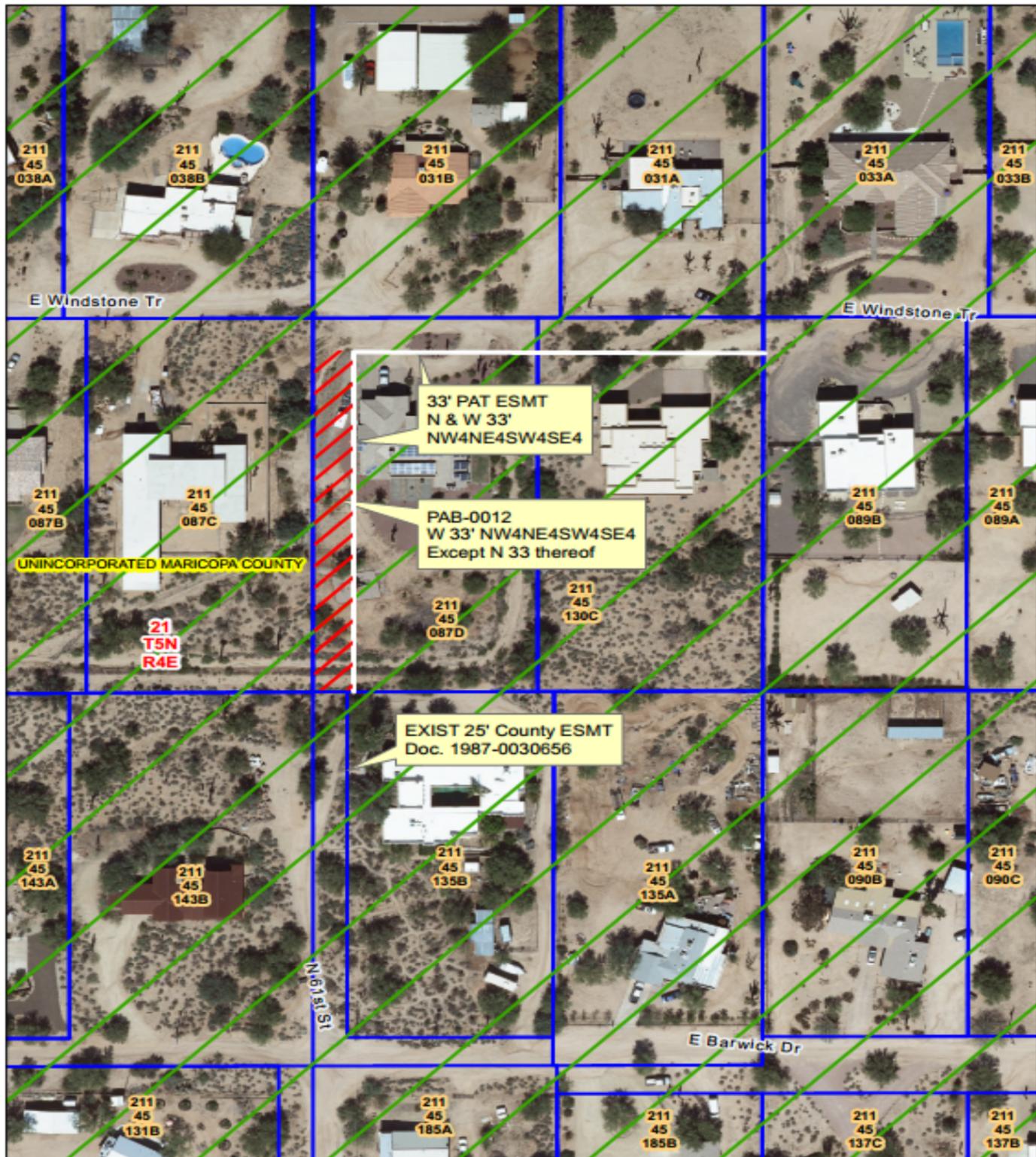


3/19/2015

PUBLIC NOTICE

MARICOPA COUNTY, ARIZONA PATENT EASEMENT ABANDONMENT PAB-0012

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 **May 20, 2015**, at **(9:00)** a.m., in the Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona, to consider the abandonment on Patent Easement No. **(PAB-0012)** a portion of **61st Street** at **6107 E. Windstone Trail**.



All persons wishing to appear for or against said Patent Easement Abandonment PAB-0012 are directed to attend the hearing or file a statement in writing with the Maricopa Department of Transportation, Attention: Ken Green, 2901 W Durango St, Phoenix, Arizona, 85009, prior to the hearing.

DATED this **18th** day of **March**, 2014