



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB0013 Federal Patent Easement Abandonment

Meeting Date: May 20, 2015

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 1154 N. 115th PI, Mesa, AZ 85207 and being identified as Assessor Parcel No. 220-08-011B.

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

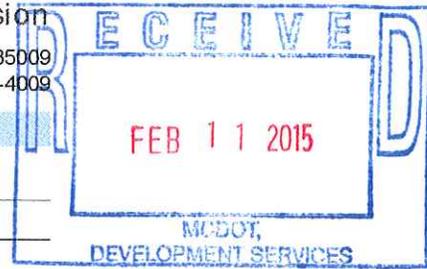
Attachments: Application / Proof of ownership / Application response checklist
Aerial Exhibit / Patent Easement
Initial Determination request / letter to requestor / Initial response checklist



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: Sharroll & Jeff Murphy Tracking NO: PAB- 0013
Mailing Address: 1154 N. 115th Pl
City: Mesa STATE: AZ ZIP: 85207
Telephone: 480-354-2755-H or 602-309-7145-C (Jeff)
Email: Sharrismurphy@gmail.com Fax No: N/A

PARCEL DETAIL

Assessor's Parcel Number: 220-08-011B

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

1154 N. 115th Pl Mesa, AZ 85207

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

Abandon Easement boarding West side of parcel 220-08-011B

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

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

SUBSCRIBED AND SWORN to before me this

My Commission Expires:

_____ day of _____, 20____

NOTARY PUBLIC

SIGNATURE

Signature of Applicant: Sharroll Murphy

Date: 2/11/15

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

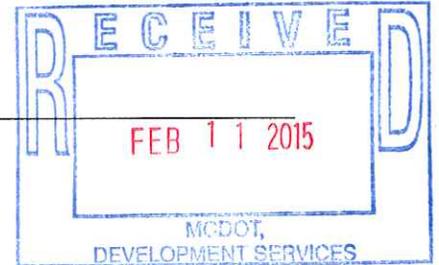
Application Fee: \$1,600.00 Total Received: 1,350.00
Check #: 1399 Date: 2-11-15
Received By: Elizabeth Valenzuela

* 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.

Recording Requested by:
First American Title Insurance Company

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20130181795 02/26/2013 03:53
PSS28690-5-3-1--
ELECTRONIC RECORDING

When recorded mail to:
Jeff B. Murphy and Sharroll L. Murphy
1154 North 115th Place
Mesa, AZ 85207



JB

FEB 26 2013

WARRANTY DEED

Escrow No. 265-5528690 (JB)

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

Rodger L. Miner and Claudia E. Miner, Co-Trustees of the Miner family trust dated May 14, 2008, the GRANTOR does hereby convey to

Jeff B. Murphy and Sharroll L. Murphy, husband and wife, the GRANTEE

The following described real property situate in Maricopa County, Arizona with the title being conveyed to the grantee as set forth in the attached acceptance by the grantee:

That portion of the West half of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 13, Township 1 North, Range 7 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the Northeast corner of Section 13, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being marked by a brass cap;

thence North 89 degrees 57 minutes 13 seconds West, along the Northerly line of said Section 13, a distance of 329.94 feet to the Northeast corner of the West half of the Northeast quarter of the Northeast quarter of the Northeast quarter of said Section 13, said point also being the TRUE POINT OF BEGINNING;

thence South 0 degrees 00 minutes 08 seconds West along the Easterly line of the said West half of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 13, a distance of 194.93 feet to a point from which the Southeast corner of the said West half of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 13, bears South 0 degrees 00 minutes 08 seconds West, 464.80 feet distant therefrom;

thence North 89 degrees 57 minutes 19 seconds West, 329.95 feet to a point on the Westerly line of the Northeast quarter of the Northeast quarter of the Northeast quarter of said Section 13, and from which point the Southwest corner of the said Northeast quarter of the Northeast of the Northeast quarter of Section 13, bears South 0 degrees 00 minutes 16 seconds West, 464.81 feet distant therefrom;

thence North 0 degrees 00 minutes 16 seconds East, along the said Westerly line of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 13, a distance of 194.94 feet to the Northwest corner of the said Northeast quarter of the Northeast quarter of the Northeast quarter of Section 13, and from which point the North quarter corner of said Section 13, bears North 89 degrees 57 minutes 13 seconds West, 1979.63 feet distant therefrom;

thence South 89 degrees 57 minutes 13 seconds East, along the said Northerly line of Section 13, a distance of 329.94 feet to the TRUE POINT OF BEGINNING;

EXCEPT the North 40 feet, and

File No.: 265-5528690 (JB)
A.P.N.: 220-08-011B 4

Warranty Deed - continued

EXCEPT all oil, gas and other mineral deposits as reserved in the Patent.

Subject To: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And the GRANTOR does warrant the title against all persons whomsoever, subject to the matters set forth above.

DATED: January 22, 2013

SEE ACCEPTANCE ATTACHED HERETO

AND BY REFERENCE MADE A PART HEREOF.

Rodger L. Miner and Claudia E. Miner, Co-Trustees of the Miner family trust dated May 14, 2008

Rodger L. Miner, Co-Trustee
Rodger L. Miner, Co-Trustee

Claudia E. Miner, Co-Trustee
Claudia E. Miner, Co-Trustee

STATE OF AZ)
County of MARICOPA) ss.



On FEB 22 2013, before me, the undersigned Notary Public, personally appeared Miner Family Trust, 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.

My Commission Expires:
9-24-14

Garry L. McCullough
Notary Public

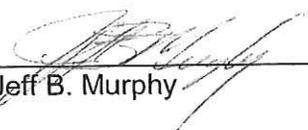
ACCEPTANCE OF JOINT TENANCY

This Acceptance is to be attached to: Warranty Deed dated January 22, 2013 by and between Miner Family Trust and Jeff B. Murphy and Sharroll L. Murphy.

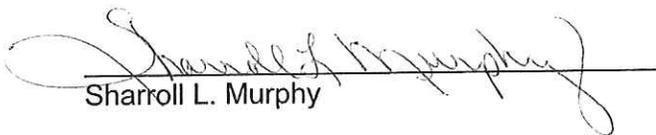
That each of the undersigned individually and jointly as such Grantees hereby declare that it is their intention to accept such conveyance as joint tenants with right of survivorship and not as a community property estate and not as tenants in common, and to acquire any interest in said real property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

That by the execution and delivery to the Escrow Agent of this "Acceptance of Joint Tenancy" the undersigned intend to evidence their acceptance of said deed as joint tenants, and hereby direct and authorize the Escrow Agent to attach this "Acceptance of Joint Tenancy" to such deed upon its execution and delivery and to record this "Acceptance of Joint Tenancy" together with such deed.

Date: January 22, 2013



Jeff B. Murphy



Sharroll L. Murphy

STATE OF AZ)
County of Maricopa)ss.

On 2.21.13, before me, the undersigned Notary Public, personally appeared Jeff B. Murphy and Sharroll L. Murphy, 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.

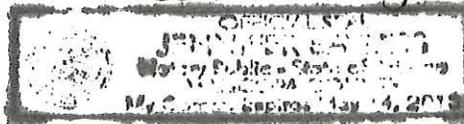
My Commission Expires:

5.14.2013



Notary Public

Jennifer Bayless



May 14, 2013

Trust Certification

Escrow No. 265-5528690 (JB)

The undersigned being all of the currently acting trustees of the trust, being of lawful ages, hereby declare the following to be true and correct:

1. Miner Family Trust is a valid and existing trust.
2. The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

Name/Address: Rodger L. Miner 11507 E Elmwood
Mesa AZ 85207

Name/Address: Claudia E. Miner 11507 E. Elmwood
Mesa, AZ 85207

Name/Address: _____

Name/Address: _____

The trust has not been revoked, modified or amended in any manner which would cause the representations contained herein to be incorrect:

This Certification is executed by all of the currently acting Trustees of the Trust

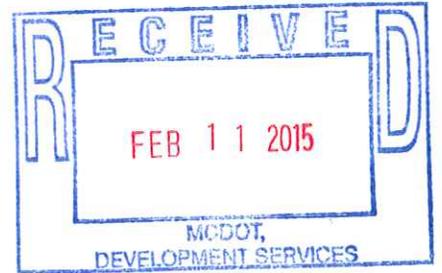
Rodger L. Miner and Claudia E. Miner, Co-Trustees of the Miner family trust dated May 14, 2008

Rodger L. Miner, Co-Trustee
Rodger L. Miner, Co-Trustee

Claudia E. Miner, Co-Trustee
Claudia E. Miner, Co-Trustee



635 Woodward Avenue | Detroit | Michigan | 48226 | www.quickenloans.com



To Whom It May Concern:

Quicken Loans does not object to Sharroll and Jeff Murphy's request to abandon a patent easement as disclosed on the attached application.

Sincerely,

Shaleese Williams
Special Loan Analyst
Quicken Loans Inc.
shaleesewilliams@quickenloans.com

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB0013

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	
		Jamie Winterstein	NR	
		Gerald Toscano	No Objection	
		Nicolaas Swart	No Objection	
		Gary Scott	NR	
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	N/A	
		Century Link	No Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	No Objection	
		AT&T	No Objection	
		Scottsdale Water	N/A	
		Town of Cave Creek water	N/A	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 4-20-2015

INIT: KG

12
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R7E

7
T1N
R8E

E Brown Rd

PAB-0013
W33' of N 194.94' of
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EXCEPT the N 40'

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33' Patent
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APACHE JU

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R7E

UNINCORPORATED MARICOPA COUNTY

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R8E

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016D

220
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017D

220
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016F

220
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017J

220
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015B

220
08
016E

220
08
017H

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 **Roy G. Powell**

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. 1 N., R. 7 E.,

Sec. 13, ~~W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$~~ .

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 **33** feet in width, for roadway and public utilities purposes, to be located **along the north, west, and south 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 **FIFTH** day of **NOVEMBER** in the year of our Lord one thousand nine hundred and **FIFTY-EIGHT** and of the Independence of the United States the one hundred and **EIGHTY-THIRD.**

[SEAL]

For the Director, Bureau of Land Management.

By *Rose M. Beall*

Chief, Patents Section.

Patent Number



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: Jeff or Sharrell Murphy Tracking NO:
Mailing Address: 1154 N. 115th Pl
City Mesa STATE: AZ ZIP: 85207
Telephone: 480-354-2755-H or (602)-309-7145-c (Jeff)
Email: sharrimurphy@gmail.com Fax No:

PARCEL DETAIL

Assessor's Parcel Number: 220-08-011B

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

1154 N. 115th Pl, Mesa, AZ 85207

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

Abandon Easement bordering the West side of parcel #: 220-08-011B

SIGNATURE

Signature of Applicant: [Handwritten Signature]

Date: 1/9/15

* 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 #: 1387 Date: 1/12/2015
Received By: [Signature]



Maricopa County

Department of Transportation

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

January 29, 2015

Jeff and Sharroll Murphy
1154 N. 115th Place
Mesa, AZ 85207

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 220-08-011B and identified as tracking No. **PAB0013**.

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.

After 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: PAB-0013 - file

**PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST**

Application ID: PAB0013

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
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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	NONE
		Denise Lacey	NR	
		Ed Williams	NR	
		Jack Lorbeer	NR	
		Kevin Kottmer	NR	
		Jamie Winterstein	NR	
		Gerald Toscano	No Objection	
		Nicolaas Swart	No Objection	
		Paul Driver	NR	
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	NONE
		RE Services	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	SRP	No Objection	NONE
		Century Link	NR	
		Cox	No Objection	
		SRP	No Objection	
		SWG	NR	
		AT&T	No Objection	
d	GOV AGENCIES	N/A		N/A
e	MUNICIPALITIES / TRIBES	N/A		N/A

DATE: 1/29/2015

INIT: KG



5/21/2015



Small sign on the ground, possibly a survey marker or informational sign.

5/21/2015

