



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB0014 Federal Patent Easement Abandonment

Meeting Date: September 29, 2015

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 at the northwest corner of Happy Valley Road and 11th Avenue and being identified as Assessor Parcel No. **210-09-013.**

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 10 2015

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: Paradise Valley Apostolic Church Association Tracking NO: PAB-0014
 Mailing Address: 19835 North 12th Street
 City: Phoenix STATE: AZ ZIP: 85024
 Telephone: (480) 710-8720
 Email: TimothyR@ATMphx.com Fax No: (623) 582-2300

**INITIAL
HERE**



PARCEL DETAIL

Assessor's Parcel Number: 210-09-13

- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
Northwest Corner of 11th Avenue and Happy Valley Road
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
Abandonment of 33' patent easement on North, East & West sides of parcel 210-09-13. Southern 40' has already been dedicated to COP for Happy Valley Rd. and another 35' is being dedicated currently.
- 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, Rev. Gall H. Rook 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: April 29, 2017

8th day of July, 2015
Lynette Schrage
 NOTARY PUBLIC



SIGNATURE

Gall H. Rook
 Signature of Applicant

July 8, 2015
 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: <u>[Signature]</u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>7124</u>	Date: <u>07/10/15</u>

* 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.

Recorded at the Request
Chicago Title Insurance Company

When Recorded, mail to:

PARADISE VALLEY APOSTOLIC CHURCH
19835 N. 12th St.
Phoenix, Arizona 85024

182

RESALE

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20050419738 04/01/2005 16:58
2503329-1-3-1-
ELECTRONIC RECORDING

Order No: 2503329 09

Warranty Deed

For the consideration of Ten Dollars, and other valuable consideration, I or we,
PHILIP R. HUBACEK and VIRGINIA I. HUBACEK, husband and wife

do hereby convey to

PARADISE VALLEY APOSTOLIC CHURCH, an Arizona corporation

the following real property located in Maricopa County, Arizona:

The East half of the Southeast quarter of the Southwest quarter of the Southeast quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

EXCEPT the South 33 feet for roadway

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.

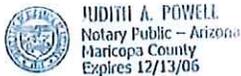
Dated: February 22, 2005

Philip R. Hubacek
PHILIP R. HUBACEK
Virginia I. Hubacek
VIRGINIA I. HUBACEK

State of ARIZONA }
County of MARICOPA } ss. Date of Acknowledgement 3/21/05

Acknowledgement of PHILIP R. HUBACEK and VIRGINIA I. HUBACEK

This instrument was acknowledged before me this date by the persons above-subscribed and if subscribed in a representative capacity, then for the principal named and in the capacity indicated.



Judith A. Powell
Notary Public

My commission expires:

State of ARIZONA }
County of MARICOPA } ss. Date of Acknowledgement

Acknowledgement of

This instrument was acknowledged before me this date by the persons above-subscribed and if subscribed in a representative capacity, then for the principal named and in the capacity indicated.

My commission expires:

Notary Public

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 or choose to proceed without same.

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB0014

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	
		Nicolaas Swart	No Objection	
		Gary Scott	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	N/R	
		Century Link	No Objection	
		Cox	No Objection	
		SRP	N/A	
		SWG	N/A	
		Central AZ Water Conservation District	N/R	
		AT&T	N/A	
		Scottsdale Water	N/A	
		Phoenix IT Services	N/R	
		Phoenix water/sewer	No Objection	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 8/13/2015

INIT: KG

AERIAL EXHIBIT
PATENT EASEMENT
REPLACEMENT EASEMENT

210
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007E

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R3E

UNINCORPORATED MARICOPA COUNTY

PAB-0014
The N, W & E 33' EXCEPT
S75' of the W & E 33'
E2 SE4 SW4 SE4

PAT ESMT
W, N, E & S 33'

Dedication for
75' R/W in process

Dedication to
75' R/W
in process

N 11th Ave

W Happy Valley Rd

PHOENIX
G5088
3/7/2008

PHOENIX
S-35520
11/7/2008

7
T4N
R3E

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UNINCORPORATED MARICOPA COUNTY

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024A

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024

Arizona 0888

The United States of America,

To all to 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

Goldie Mae Gallante

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. 4 N., R. 3 E.,

Sec. 6, ~~E. 3 E. 1 S. 1~~.

The area described contains **5** 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 **across said land or as near as practicable to the exterior boundaries.**

Excepting and reserving, also to the United States, pursuant to the provisions of the Act of August 1, 1946 (60 Stat. 755), all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same.

Patent No. 1146318
SEP 20 1938

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 **TWENTIETH**

[SEAL]

day of **AUGUST** in the year of our Lord one thousand nine hundred and **FIFTY-FOUR** and of the Independence of the United States the one hundred and **SEVENTY-NINTH.**

For the Director, Bureau of Land Management.

Patent No. **1146318**

By

E. C. Fitch
Chief, Patents Section



Capacity Provisioning
Engineering
5025 N. Black Canyon Hwy
Room 119
Phoenix, AZ 85015
July 07, 2015

Maricopa County DOT
2901 W Durango Street
Phoenix, AZ 85009

CenturyLink Tracking #
A1506288

Response to request for abandonment
Your File Number PAB-0014

This is in response to your request of March 20, 2015 for the abandonment of Public Utility Easement on the property located at Happy Valley Rd and 11th Ave as described / illustrated in your letter. A review of our existing facilities has been made in reference to the area involved. CenturyLink has no objection to the abandonment as described above.

If you have any questions or need additional information, please contact Mary Hutton on 602-630-7778.

Yours truly,

A handwritten signature in black ink, appearing to read "Mary Hutton".

Mary Hutton
ROW Engineer

20150485803 07/07/2015 08:06
ELECTRONIC RECORDING

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

MCMH070715-4-1-1--
Yorkm

RECORDING INFORMATION ABOVE
EASEMENT AGREEMENT

The undersigned PARADISE VALLEY APOSTOLIC CHURCH, an Arizona corporation, ("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# AZ070715MH01

Initials AR

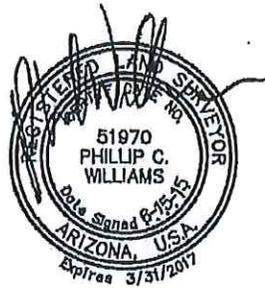
20150485803

EXHIBIT 'A'

LEGAL DESCRIPTION

THE NORTH 8.00 FEET TOGETHER WITH THE EAST 12.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

EXCEPT THE SOUTH 40 FEET FOR ROADWAY



INITIAL DETERMINATION REQUEST

LETTER TO REQUESTOR

INITIAL RESPONSE CHECKLIST

PAB-0014



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: DAVID HAMBLEN Tracking NO: _____
Mailing Address: 1111 WEST UNIVERSITY DRIVE, SUITE 104
City TEMPE STATE: AZ ZIP: 85281
Telephone: 480-948-9766
Email: dhamblen@sdlaz.us ✓ Fax No: 480-948-9211

PARCEL DETAIL

Assessor's Parcel Number: 210-09-013

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

2. Description of Request: (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
Abandonment of 33' patent easement. No location specified. Southern 40' has already been dedicated to GOP for Happy Valley rd. another 35' is being dedicated currently.

SIGNATURE

[Signature]
Signature of Applicant*

2016-03-16
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: <u>\$250.00</u>	Received By: <u>TR</u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>813</u>	Date: <u>03-17-2015</u>
<u>D.S. 2015 3473</u>		



Maricopa County
Department of Transportation

Real Estate

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

April 14, 2015

David Hamblen
1111 W. University Dr. Suite 104
Tempe, AZ 85281

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 210-09-013 and identified as tracking No. PAB0014.

The Department of Transportation has determined the following:
MCDOT has no objection to the proposed abandonment.
No objections have been received from other County Departments.
Objection has been received from Century Link.

Section 5d of Maricopa County ordinance P-34 states that No abandonment of a patent easement can occur over objection from any Utility. Since Century Link has objected you will need to Contact Mary Hutton by phone at 602-630-7778 or email Mary.Hutton1@centurylink.com to resolve the objection. To view County ordinance P-34 go to: <http://www.mcdot.maricopa.gov/easements/home.htm> and click on the "Ordinance P-34" hyperlink.

After the utility objection has been resolved and you wish to proceed with the abandonment, go to the MCDOT website at <http://www.mcdot.maricopa.gov/easements/home.htm> and open up the Patent Easement Link at the left side of the page. Print the Abandonment Application in Step 2 and submit it as instructed in the application along with all documentation required in the application.

NOTE:

Be advised, that all reviewing entities reserve the right to change their original review position, which may affect the final recommendation to the Board of Supervisors to approve or deny the application.

Upon receipt of the application and payment of the fee, a notice by letter will be sent to all abutting property owners. The proposed abandonment area will have a notice posted. The abutting owners and other public users of the road have the right to object in writing or appear before the Board of Supervisors.

Sincerely,

Denise Brewer
Permitting, Construction and Inspections
Div. Mngr.

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

Enclosure:

cc: PAB-0014 - file

PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST

Application ID: PAB0014

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	
		Jack Lorbeer	NR	
		Kevin Kottmer	No Objection	
		Jamie Winterstein	NR	
		Gerald Toscano	No Objection	
		Nicolaas Swart	No Objection	
		Paul Driver	NR	
		Tricia Brown	No Objection	
b	COUNTY	P&D	No Objection	
		RE Services	No Objection	
		Parks	NR	
		FCD	No Objection	
c	UTILITIES	SRP	N/A	X
		Century Link	Opposed	
		Cox	NR	
		APS	NR	
		SWG	NA	
		AT&T	NA	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	COP Water & Sewer	No Objection	

DATE:4/13/2015

INIT: KG

LEGAL DESCRIPTION
PAB-0014

EXHIBIT "A"

Assessor Parcel No. 210-09-013

That portion of the easement described in Patent 1146318, lying in the Southeast quarter of Section 6 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North, West and East 33 feet of the E2 SE4 SW4 SE4 of said Section 22. EXCEPT any portion lying within the South 75 feet thereof.



9/11/2015



9/11/2015

**PATENT EASEMENT ABANDONMENT
RECORD OF CERTIFIED LETTERS**

Application ID: PAB-0014

SENT TO	ADDRESS	APN	DATE	COMMENT RECIEVED	DATE
Paradise Valley Apostolic Church Association - Owner	19835 N 12 th Street, Phoenix, AZ 85024	210-09-13	9/10/2015		
John P. Long – abutting owner	5332 W Evans Dr, Glendale, AZ 85306	210-09-017	9/10/2015		
JCB TRINITY PROPERTIES L L C Abutting owner	P.O.Box 32284, Phoenix, AZ 85064-2284	210-09-006	9/10/2015		
JASON Steele E & Kelly Tyler Abutting owner	22110 N 36 th Terrace, Phoenix, AZ 85050	210-09-026E	9/10/2015		
Jeff & Tracy Sloat Abutting owner	27320 N 23RD AVE , PHOENIX, AZ 85085	210-09-026A	9/10/2015		
Viorel Rugea Abutting owner	20606 MISTY CROSSING LN , SPRING, TX 77379	210-09-026B	9/10/2015		
Daryl Holdeman, Paul & Barbara Holdeman Abutting owner	22767 N 104TH LN , PEORIA, AZ 85383	210-09-026C	9/10/2015		

DATE: 9/8/2015

INIT: KG

PUBLIC NOTICE

MARICOPA COUNTY, ARIZONA PATENT EASEMENT ABANDONMENT PAB-0014

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 the **18th day of November**, 2015, at **9:00 a.m.**, in the Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona, to consider the abandonment on Patent Easement No. **1146318**, affecting the property at the northwest corner of **11th Avenue alignment** and Happy Valley Road, known as Assessor Parcel No. 210-09-013.



All persons wishing to appear for or against said Patent Easement Abandonment PAB-0014 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 **9th** day of **September**, 2015



9/11/2015



9/11/2015

COB1090-6-1-1--
Hoyp

CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0014)
(C-64-16-012-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, Constance Copeland, Deputy 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 November 18, 2015:

7. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0014

Convene the scheduled public hearing to consider Road File No. PAB-0014 to Abandon a portion of Federal Patent Easement Number 1146318, lying in the Southeast quarter of Section 6 – T4N, R3E, 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 of Happy Valley Road and 11th Avenue and known as Assessor Parcel 210-09-013.

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-64-16-012-M-01)

Motion to approve by Supervisor Kunasek, seconded by Supervisor Barney

Ayes: Chucuri, Hickman, Barney, Kunasek, 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 November 20, 2015.



Constance Copeland
Deputy Clerk of the Board of Supervisors

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0014
C-64-16-012-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 Happy Valley Road and 11th Avenue was reserved for roadway and public utilities purposes in Patent Number 1146318: 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)

**RESOLUTION
ROAD FILE PAB-0014
C-64-16-012-M-01
Page 2**

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 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

23rd day of November, 2015.



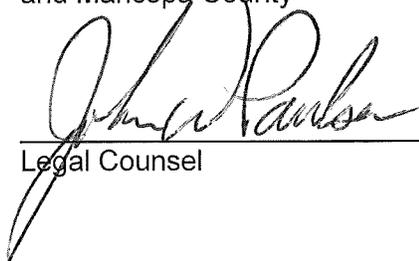
Chairman of the Board of Supervisors
Maricopa County

ATTEST:



Fran McCarroll
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



Legal Counsel

11/19/15

LEGAL DESCRIPTION
PAB-0014

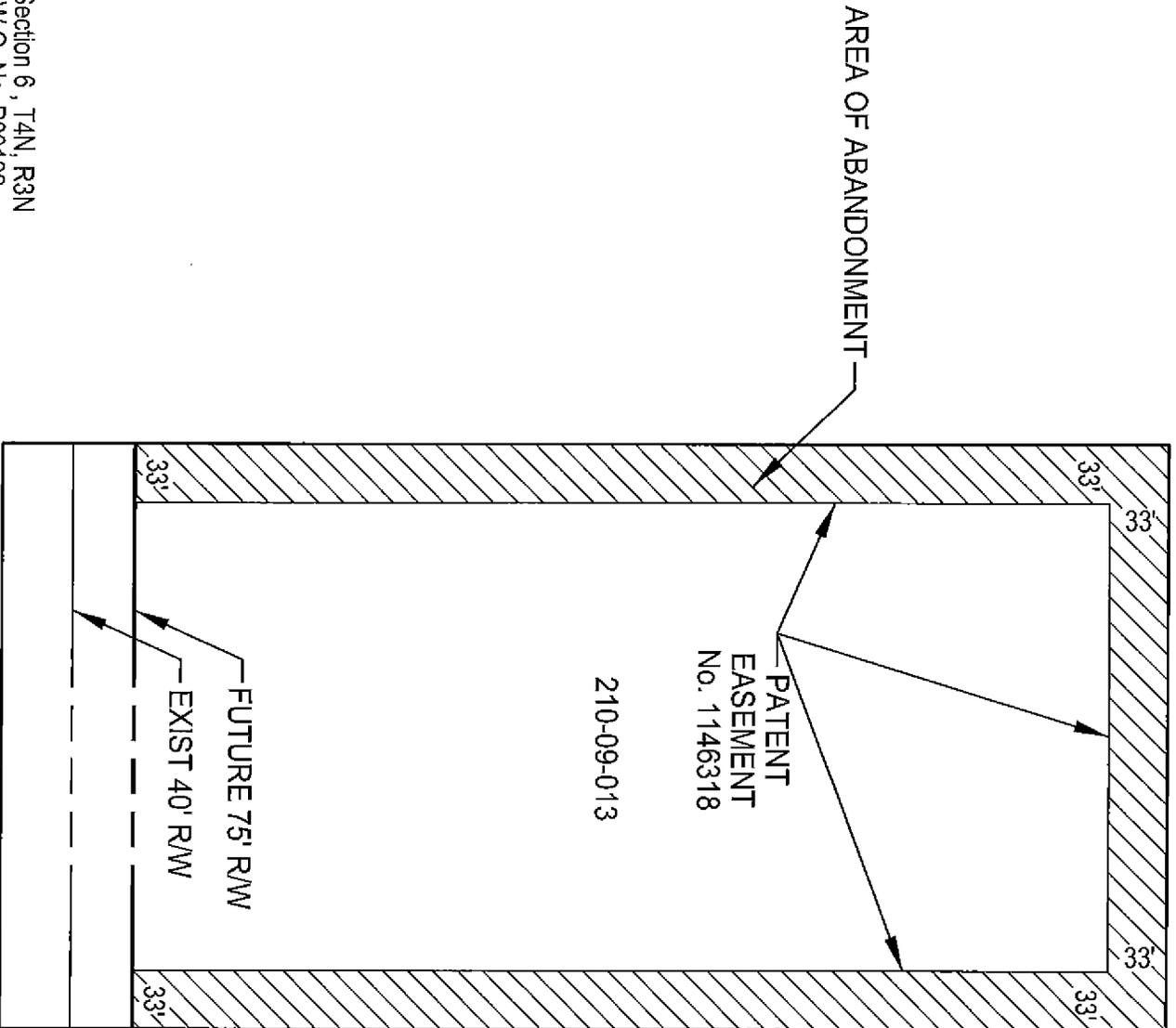
EXHIBIT "A"

Assessor Parcel No. 210-09-013

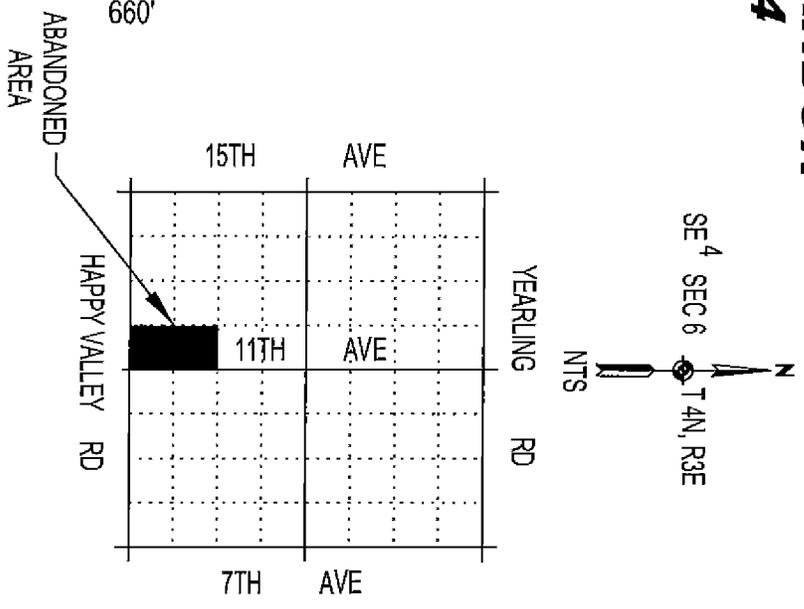
That portion of the easement described in Patent 1146318, lying in the Southeast quarter of Section 6 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North, West and East 33 feet of the E2 SE4 SW4 SE4 of said Section 22. EXCEPT any portion lying within the South 75 feet thereof.

PATENT EASEMENT ABANDON FILE NO. PAB-0014



Section 6, T4N, R3N
W.O. No. P00102



Sheet 1 of 1

EXHIBIT