

COB1155-6-1-1--
Yorkm

CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0020)
(C-64-17-011-M-01)

DO NOT REMOVE
This is part of the official document

COUNTY OF MARICOPA
State of Arizona

Office of the Clerk
Board of Supervisors

State of Arizona) ss.
County of Maricopa)

I, Fran McCarroll, Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on October 19, 2016:

8. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0020

Convene a hearing for Road File No. PAB-0020 to consider the request to abandon the North 28' of the South 40' and the West 28' of the East 40' of Federal Patent Easement Number 1222570. Notice conditions and the request for comment requirements have been met.

Therefore, pursuant to provisions in A.R.S. §11-251.16, Maricopa County Ordinance No. P-34 and Maricopa County Department of Transportation Procedure # P5203, it is recommended by the Department of Transportation Director, that the Board of Supervisors resolves to abandon a portion of a Federal Patent Easement, Road File No. PAB-0020. Legal description of the easement to be abandoned is identified as Exhibit "A." In addition, direct the Clerk of the Board to record the Board of Supervisors resolution with the County Recorder. Supervisory District No. 5 (C-64-17-011-M-01)

Motion to approve by Supervisor Barney, seconded by Supervisor Kunasek

Ayes: Hickman, Kunasek, Chucri, Barney
Absent: 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 October 20, 2016.

Fran McCarroll

Clerk of the Board of Supervisors

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0020
C-64-17-011-M-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A (PORTION OF) FEDERAL PATENT EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING THAT EASEMENT.

WHEREAS, pursuant to the Small Tract Act of 1938, a **40** foot wide patent easement located in the general vicinity of **South 190th Avenue and West Narramore Road** was reserved for roadway and public utilities purposes in Patent Number **1222570**; and

WHEREAS, a proposal requesting the abandonment of a (portion of) 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-0040
C-64-17-011-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.

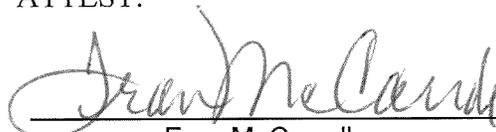
BE IT FURTHER RESOLVED that this resolution does not abandon a roadway that was granted under revised statute 2477 (43 United States Code section 932) that was enacted by the United States Congress in 1986

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this
19th day of October, 2016.



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

LEGAL DESCRIPTION
PAB-0020

EXHIBIT "A"

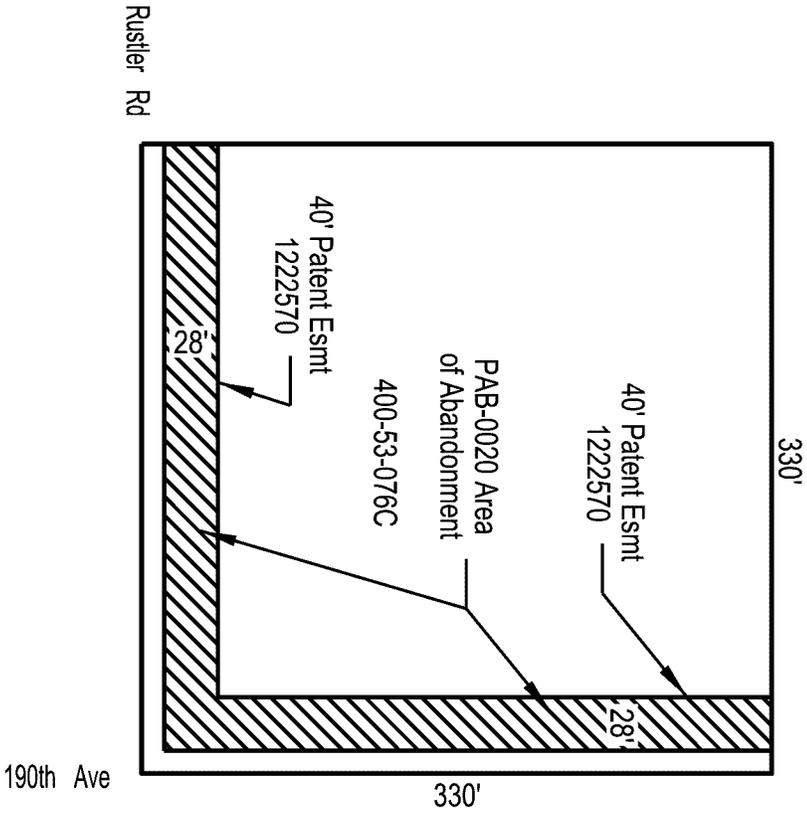
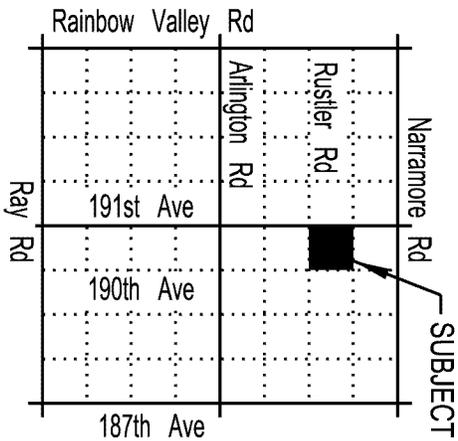
Assessor Parcel No. 400-53-076C

That portion of the easement described in Patent 1222570, lying in the Northeast quarter of Section X21 – T1S, R2W, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The South 40' and the East 40' of the SE4 SW4 NW4 NE4 of said Section 21. EXCEPT the South 12' of the South 40' and the East 12' of the East 40'.

PATENT EASEMENT ABANDON FILE NO. PAB-0020

SEC 21 T 1S, R2W



Section 21 , T 1S, R2W

W.O. No. P00102

Sheet 1 of 1

EXHIBIT



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0020 Federal Patent Easement Abandonment

Meeting Date: **August 17, 2016**

Supervisor District Effected: 5

Applicant: Department of Transportation

Request: Approve the abandonment of **the North 28' of the South 40' and the West 28' of the East 40'** of the Patent Easement as proposed by the owner of the property located at **12716 South 190th Avenue Buckeye, Arizona 85326** and being identified as Assessor Parcel No. **400-53-076C**.

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d.
MCDOT agrees to a partial abandonment of the North 28' of the South 40' and the West 28' of the East 40' of the patent easement.

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 of **the North 28' of the South portion and the West 28' of the East portion of the patent easement.**

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

**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



By PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: CHRIS GRANGE Tracking NO: PAB- 0020
 Mailing Address: 12716 S 190th AVE
 City: Buckeye STATE: AZ ZIP: 85326
 Telephone: 480-297-4918
 Email: Chris a Grange @ Eatow, com Fax No: 480-449-4280

PARCEL DETAIL

Assessor's Parcel Number: 400-53-076C

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
12716 S 190th Ave Buckeye AZ 85326
2. Description of Request: (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
ABANDON EASEMENT Bordering the EAST SIDE of Parcel 400-53-076C
ABANDON EASEMENT Bordering the South side of Parcel 400-53-076C
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 of Applicant

Date 6/3/16

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00*	Total Received: <u>1350.00</u>	Received By: <u>KM</u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>324</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.



Ditech Financial LLC
Mortgage Amendments Department
7360 S. Kyrene Road T316
Tempe, AZ 85283
800-643-0202
480-383-0637

March 9, 2016

Christopher Grange, Sr.
12716 S. 190th Avenue
Buckeye, AZ 85326

RE: Easement Release Agreement
Ditech Financial LLC, ("Ditech")
Customer Name: Christopher A. Grange, Sr.
Account Number: 49043672
Property Address: 12716 S. 190th Avenue
Buckeye, AZ 85326

Dear Mr. Grange:

Thank you for the recent request on the above-referenced loan. Ditech Financial LLC has agreed to the abandonment of the Federal Patent Easement on your property identified as Assessor Parcel Number 400-53-076-C and identified as Tracking Number PAB-0020. After the submission of the application and this letter to the county, please be sure to notify us of the county approval or denial of your request so that our records may be updated.

If you have any questions, please call us at 844-253-6585.

Sincerely,


Mortgage Amendments Department
Ditech
800-643-0202
7:00 a.m. to 8:00 p.m. CT

This communication is from a debt collector. It is an attempt to collect a debt, and any information obtained will be used for that purpose.

Easement Release Agreement, 03/02/2016

LTR-656

1
20 Unofficial Document

Recorded at the request of:
Chicago Title

When recorded, mail to:

80.

fr:

Space above this line for Recorder's Use

Escrow No.: CT0803425-CT2909

1/2

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations,

Othoniel Solache, a single man

does hereby convey to

Christopher A. Grange and Tammy Grange, husband and wife as community property with rights of survivorship

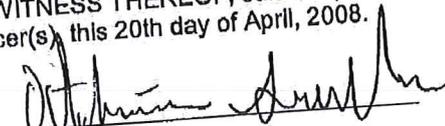
the following real property situated in Maricopa County, Arizona:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. EXCEPT ALL OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED TO THE UNITED STATES OF AMERICA IN PATENT.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

The undersigned hereby warrants the title against all persons whomsoever, subject to the matters set forth.

IN WITNESS THEREOF, said Corporation has caused these presents to be signed by its duly authorized officer(s) this 20th day of April, 2008.


Othoniel Solache

NOTARY ACKNOWLEDGMENT(S) TO WARRANTY DEED

State of ARIZONA

County of Maricopa

The foregoing document was acknowledged before me this 5 day of May, 2008

by Orlando Solache

(Seal)



JUDITH A. POWELL
Notary Public - Arizona
Maricopa County
Expires 12/13/2010

Judith A Powell
Notary Public

When recorded, mail to:
Christopher A. Grange
3067 So. Elati St.
Englewood, CO 80110

Space above this line for Recorder's Use

Escrow No.: CT0803425-CT2909

ACCEPTANCE OF COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP

Christopher A. Grange and Tammy M. Grange each state that:

They have offered to purchase the real property situated in Maricopa County described as follows:

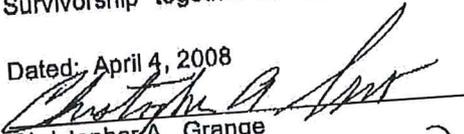
THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. EXCEPT ALL OIL, GAS AND OTHER
MINERAL DEPOSITS AS RESERVED TO THE UNITED STATES OF AMERICA IN PATENT.

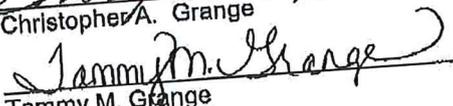
Each of them, individually and jointly as Grantees, declare that it is their intention to accept the conveyance and
acquire all interest in the real property as community property with right of survivorship, and not as a community
property estate and not as tenants in common.

By the execution and delivery of this "Acceptance of Community Property With Right of Survivorship" they direct
and authorize Escrow Agent to attach this "Acceptance of Community Property With Right of Survivorship" to the
deed upon its execution and delivery and to record this "Acceptance of Community Property With Right of
Survivorship" together with the deed.

Unofficial Document

Dated: April 4, 2008


Christopher A. Grange


Tammy M. Grange

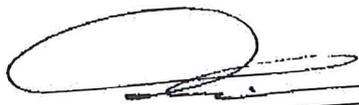
NOTARY ACKNOWLEDGMENT(S) TO ACCEPTANCE OF COMMUNITY PROPERTY

State of Colorado

County of Denver

The foregoing document was acknowledged before me this 16th day of May, 2008.

by Christopher A. Grange & Tammy M. Grange


Notary Public, Saleh S. Ajour

(Seal)
SALEH S. AJOUR
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 06/07/2011

PATENT EASEMENT ABANDONMENT APPLICATION CHECKLIST

Application ID: PAB-0020

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)	partial	
	Road alignment is maintained by MCDOT		
	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)		

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

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring / Angela Horn	Partial objection	
		Alfred Erives	No Response	
		Denise Lacey	No Response	
		Kevin Kottmer	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 Response	
		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		

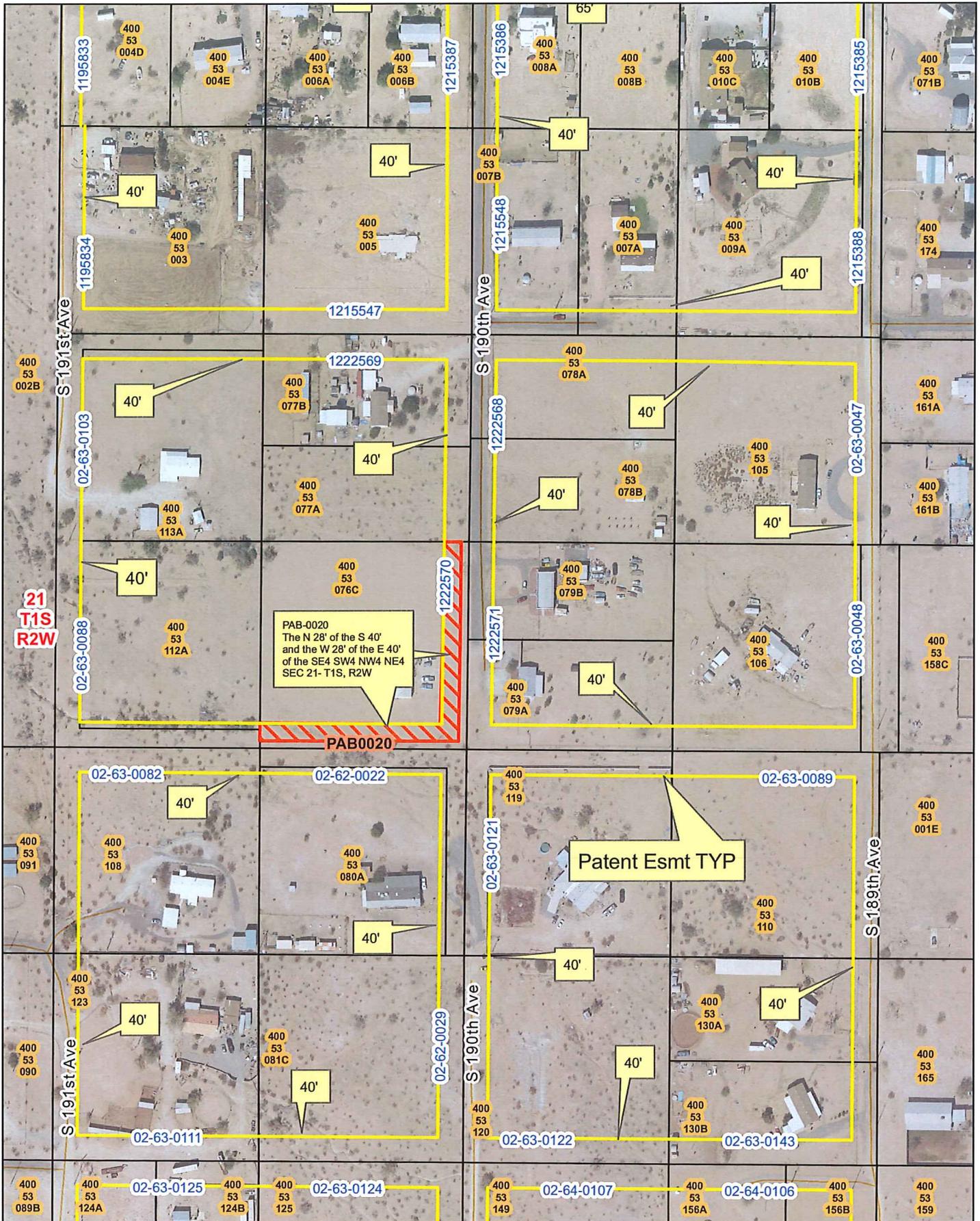
INIT: MM

DATE: 07/08/2016

AERIAL EXHIBIT
PATENT EASEMENT
REPLACEMENT EASEMENT

PAB-0020 Revised 7/13/2016

APN: 400-53-076C



Arizona 029412

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

Jean E. Alley,
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 S., R. 2 W.,

Sec. 21, SE 1/4 NW 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 **40** feet in width, for roadway and public utilities purposes, to be located **along the 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
SIXTH day of **SEPTEMBER** 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 *Ruth W. Talley*
Chief, Patents Section.

Patent Number 1222570

20160380709 06/02/2016 08:25
ELECTRONIC RECORDING

Return to CenturyLink
Attn: Mary Hutton
5025 North Black Canyon Hwy
Phoenix, AZ 85015

MCMH060216-4-1-1--
Garcia

RECORDING INFORMATION ABOVE
EASEMENT AGREEMENT

PAB-0020

The undersigned Christopher A. Grange an unmarried man ("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.

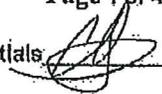
Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on the Easement Area and no change will be made by grading or otherwise to the surface or subsurface of the Easement Area or to the ground immediately adjacent to the Easement 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# _____

Initials



RECORDING INFORMATION ABOVE

GRANTOR(S):
Christopher A. Grange

Name: *Christopher A. Grange*
Christopher A. Grange

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this 18th day of May, 2016,
by Christopher A. Grange.



Witness my hand and official seal:

Mima Rashidi
Notary Public

My commission expires: August 31, 2019

R/W# _____ Job # PAB-0020
Exchange: BUCKEYE County: Maricopa
NE ¼ of Section: 21 Township: 2W Range: 1S

"APPENDIX A"

**LEGAL DESCRIPTION FOR AN
8' WIDE COMMUNICATION UTILITY EASEMENT**

AN 8.00 FOOT WIDE EASEMENT FOR COMMUNICATION UTILITY PURPOSES OVER THE EAST 8.00 FEET OF THE PROPERTY DESCRIBED IN THE DOCUMENT RECORDED AS 2008-0452309, RECORDS OF MARICOPA COUNTY, ARIZONA. SAID PROPERTY IS DEPICTED AS PARCEL NO. 5 ON THE RESULTS OF SURVEY RECORDED IN BOOK 671 OF MAPS, PAGE 17, RECORD OF MARICOPA COUNTY, ARIZONA. SAID EASEMENT IS LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL NO. 5. SAID POINT BEING IDENTICAL WITH THE NORTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED AS 2008-0452309, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE EAST LINE OF SAID PARCEL SOUTH 00 DEGREES 01 MINUTES 44 SECONDS EAST, A DISTANCE OF 331.52 FEET TO THE SOUTHEAST CORNER OF PARCEL NO. 5 AS DEPICTED ON THE RESULTS OF SURVEY RECORDED IN BOOK 671 OF MAPS, PAGE 17. SAID POINT BEING IDENTICAL WITH THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED AS 2008-0452309, RECORDS OF MARICOPA COUNTY, ARIZONA;

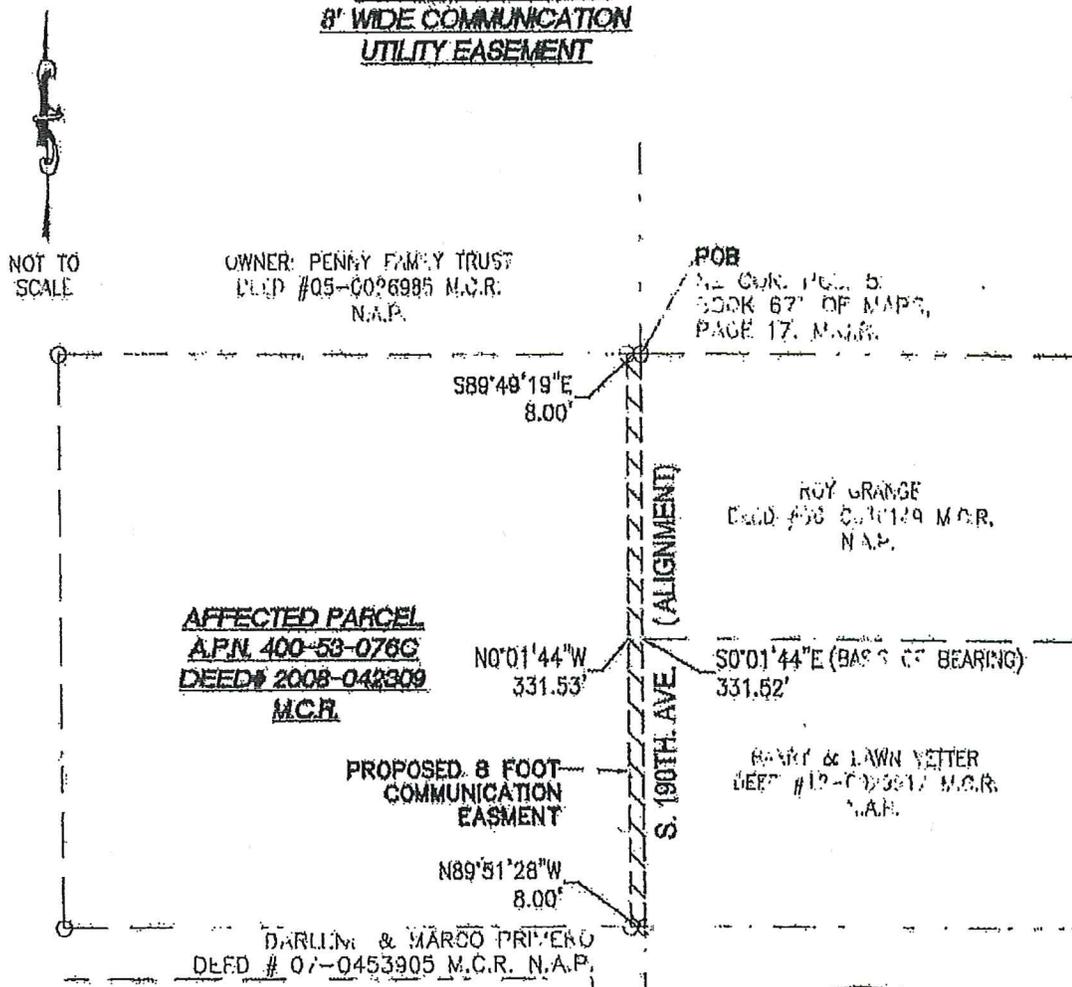
THENCE ALONG THE SOUTHERN LINE OF SAID PARCEL NORTH 89 DEGREES 51 MINUTES 28 SECONDS WEST, A DISTANCE OF 8.00 FEET;

THENCE ALONG A LINE PARALLEL WITH AND 8 FEET WEST OF THE EAST LINE OF THE OF SAID PARCEL, NORTH 00 DEGREES 01 MINUTES 44 SECONDS WEST, A DISTANCE OF 331.53 FEET TO THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED AS 2008-0452309, RECORDS OF MARICOPA COUNTY, ARIZONA AND SAID PARCEL NO. 5;

THENCE ALONG THE NORTHERN LINE OF SAID PARCEL SOUTH 89 DEGREES 49 MINUTES 19 SECONDS EAST, A DISTANCE OF 8.00 FEET BACK TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED.



"APPENDIX B"
8' WIDE COMMUNICATION
UTILITY EASEMENT



POB=POINT OF BEGINNING
 M.C.R.=MARICOPA COUNTY RECORDER
 N.A.P.=NOT A PART
 DOC.=DOCUMENT
 PG.=PAGE
 BK.=BOOK
 O=CALCULATED POSITION
 A.P.N.=ASSESSOR PARCEL NUMBER



SHEET 1	JOB #18028 DATE: 04-28-16		17308 WEST WOODROW LANE SURPRISE, ARIZONA 85388 BLACKMOUNTAINSURVEYING.COM SURVEYING ARIZONA FOR 31 YEARS	"APPENDIX B" 8' WIDE COMMUNICATION UTILITY EASEMENT BUCKEYE, ARIZONA.
------------	------------------------------	--	--	--

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 INITIAL DETERMINATION REQUEST

Applicant Name: CHRIS GRANGE Tracking NO: **PAB-0020**
 Mailing Address: 12716 S. 190th AVE
 City: Buckeye STATE: AZ ZIP: 85326
 Telephone: 480-297-4918
 Email: CHRISGrange@EATON.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 400-53-076C

- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
12716 S 190th AVE Buckeye
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
ABANDON Easements Bordering South and EAST SIDES of parcel 400-53-076C

SIGNATURE

[Signature] Date: 8/20/15
Signature of Applicant*
 * Applicant is NOT required to be the current owner of the described property.

NOTE: The fee for this review is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Initial Determination Fee: \$250.00 Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>250.00</u>	Date: <u>08/20/2015</u>	Received By: 
	Check #: <u>247</u>		



Maricopa County
Department of Transportation

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

September 10, 2015

Chris Grange
12716 S. 190th Ave.
Buckeye, AZ 85326

Attn: Mr. Grange

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 400-53-073-6C and identified as tracking No. PAB-0020. 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.

 9.14.15
Dennis P. Lindsey
Deputy Chief Real Estate Officer
Ph: 602-506-1067

Enclosure:
Aerial Exhibit

cc: PAB-0020 - file

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION CHECKLIST

Application ID: PAB0020

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		
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 comment	
		Denise Brewer	No response	
		Denise Lacey	No response	
		Ed Williams	No response	
		Gary Scott/Di Cunningham	No concerns	
		Kevin Kottmer	No response	
		Nicolaas Swart	No objection	
b	COUNTY	P&D	No objections	
		Real Estate	No objections	
		Parks	No objections	
		FCD	No concerns	
c	UTILITIES	APS	No response	X
		Century Link	Opposed	
		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: 9/9/2015

INIT: MK

9/23/2016

Mrs. Dawn Vetter
12717 S 190 th Ave.
Buckeye, AZ 85326
Assessor Parcel 400-53-079A

Michelle Markson
Maricopa County Department of Transportation
2901 W Durango St.
Phoenix, AZ 85009

RE: PAB-0020 file

Dear Ms. Markson,

I am writing to inform you that I oppose the request of Mr. Chris Grange for abandonment of easement (PAB-0020), that abuts to our assessor parcel 400-53-079A , for the West 28' of East portion of the patent easement as identified in your exhibit. It is a well-traveled roadway and needs to remain as an easement to access our property. We have an agreement with Parks and Sons garbage removal to come by twice a week to pick up the trash from our property using that easement. This is a large garbage truck and will need the full 40 'easement to turn around. Additionally we have relatives that have RV's and with the abandonment of the easement, they will not be able to turn around. Many vehicles that fail to notice the dead end sign arrive at the end of the street and need the ability to turn around. Lastly, vehicles have no other entry or exit to this area.

For those reasons we graciously ask you to deny Mr. Granges abandonment easement request.

Sincerely,
Mrs. Dawn Vetter