



Report to the Board of Supervisors



Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0025 Federal Patent Easement Abandonment

Meeting Date: January 13, 2016

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 2736 E New River RD and being identified as Assessor Parcel No. 211-67-031B (Now 031c & 031D).

Support/Opposition: Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d.

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

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

PATENT EASEMENT ABANDONMENT APPLICATION

Applicant Name: RJCS LLC / Renee Deymonaz Tracking NO: PAB- 0025
 Mailing Address: 4210 W OPPORTUNITY WAY
 City: ANthem STATE: AZ ZIP: 85086
 Telephone: 623-445-0111 B - C-602-326-7457
 Email: Renee @ taylor tours.com Fax No: 623-445-0333

PARCEL DETAIL

Assessor's Parcel Number: 211-67-031B

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

2736 E New River RD Cave Creek 85331

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

ABANDON EASEMENT BORDERING the west side OF PARCEL

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

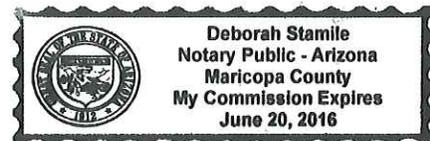
SUBSCRIBED AND SWORN to before me this

29 day of October, 2015

Deborah Stamile

NOTARY PUBLIC

My Commission Expires:



SIGNATURE

Renee Deymonaz

Signature of Applicant

10-29-15
Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00*

Total Received: 1350⁰⁰

Check #: 1862

Date: 11/4/15

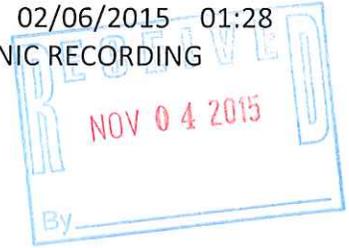
Received By:

[Signature]

Make check payable to: MCDOT
2901 West Durango Street
Phoenix, AZ 85009

* Application Fee will be \$1,350 (\$1,600 less \$250) if Initial Determination letter is provided; demonstrating an initial review of the parcel was conducted by the County within the last six months.

20150079206 02/06/2015 01:28
ELECTRONIC RECORDING



Mail tax bill and
when recorded please return to:

RJCJ, LLC
4210 W. Opportunity Way
Anthem, Arizona 85086

RJCJ-3-1-1--

This Limited Warranty Deed is exempt under A.R.S. Section 11-1134.B.7(c) from the Affidavit of Property Value requirements of A.R.S. Section 11-1133.

LIMITED WARRANTY DEED

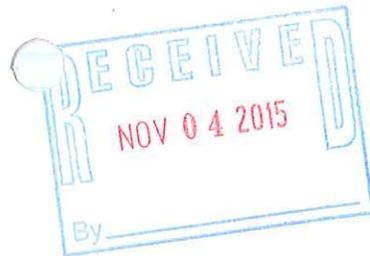
For valuable consideration, receipt of which is hereby acknowledged, MARK DEYMONAZ and RENEE DEYMONAZ, husband and wife, holding title as community property with right of survivorship, Grantors, do hereby convey to RJCJ, LLC, an Arizona limited liability company, Grantee, the real property (the "Property") situated in Maricopa County, Arizona described on "Exhibit A", attached hereto and incorporated herein.

Grantors hereby bind themselves and their successors, legal representatives and assigns, TO WARRANT AND DEFEND title to the Property unto Grantee and no others, subject only to the matters described above; provided, however, that (i) in no event shall Grantee have any right to recover from Grantors as a result of a breach of such warranty of title in an amount in excess of the amount recoverable by Grantors under the Title Policy or the Warranty, as applicable, as a result of such breach, and (ii) Grantors shall have no obligation to pay any amounts to Grantee as a result of any breach of the foregoing warranty of title unless, until and except to the extent Grantors collect such amounts from the issuer of the Title Policy or Grantors' seller or title company as a result of such breach. Nothing contained in the preceding sentence shall in any way limit or reduce the liability of the issuer of the Title Policy or Grantors' seller, or the amount recoverable by Grantors under the Title Policy or the Warranty.

Dated: 2-3, 2015.


MARK DEYMONAZ


RENEE DEYMONAZ



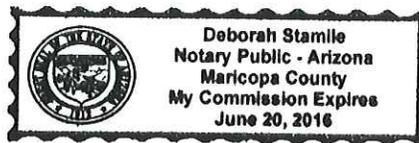
STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing was acknowledged before me this 3 day of February, 2015, by MARK DEYMONAZ and RENEE DEYMONAZ.

Deborah Stamile
Notary Public

My Commission Expires:

6-20-2016



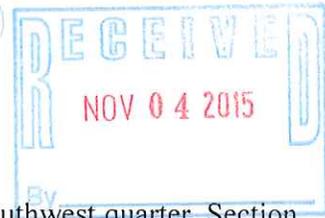
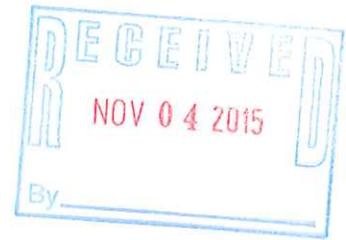


EXHIBIT A

The West half of the Southeast quarter of the Northeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian; EXCEPT all coal, oil, gas and all other mineral deposits as reserved unto the United States of America in recorded Patent of said land and except that part described as follows: Being a portion of the West half, of the Southeast quarter, of the Northeast quarter, of the Southwest quarter, Section 35, Township 6 North Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows: COMMENCING at the South quarter corner of said Section 35; THENCE North 00 degrees 01 minutes 10 seconds East along the East line of the Southwest quarter of said Section 35 a distance of 1294.21 feet the Southeast corner of the Northeast quarter of said Southwest quarter; THENCE North 89 degrees 58 minutes 42 seconds West along the South line of said Northeast quarter 662.30 feet to the Southwest corner of said West half; THENCE North 00 degrees 01 minutes 56 seconds East along the West line of said West half 264.49 feet to the POINT OF BEGINNING; THENCE continuing North 00 degrees 01 minutes 56 seconds EAST along said West line 394.69 feet to the Northwest corner of said West half; THENCE South 89 degrees 59 minutes 21 seconds East along the North line of said Southeast quarter 331.07 feet to the Northeast corner of said West half; THENCE South 00 degrees 01 minutes 33 seconds West along the East line of said West half 391.69 feet; THENCE North 89 degrees 59 minutes 21 seconds West 331.12 feet to the POINT OF BEGINNING.

Maricopa County Assessor's Parcel No: 211-67-031-B.



Date *November 4th, 2015*

Maricopa County Department of Transportation
2801 W Durango Street
Phoenix, AZ 85009

Re: Property Owner Authorization

This letter shall serve as authorization for Mark Deymonaz to represent RJCJ LLC in the request for easement abandonment related to my property located at 2736 E New River RD, APN # 211-67-031B. I am the owner of the property as evidenced in the deed recorded at 20150079206.

Additionally I understand that it is the applicant's responsibility to communicate any verbal or written communications on said application. I hereby request that all verbal and written communications regarding this application be provided to Mark Deymonaz.

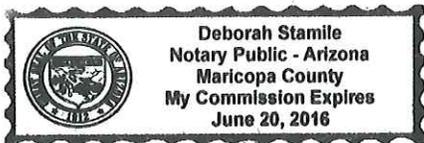
Sincerely,

RJCJ LLC

Renee Deymonaz

Deborah Deymonaz 11-4-15

Manager



Deborah Stamile
11/04/15

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB-0025

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

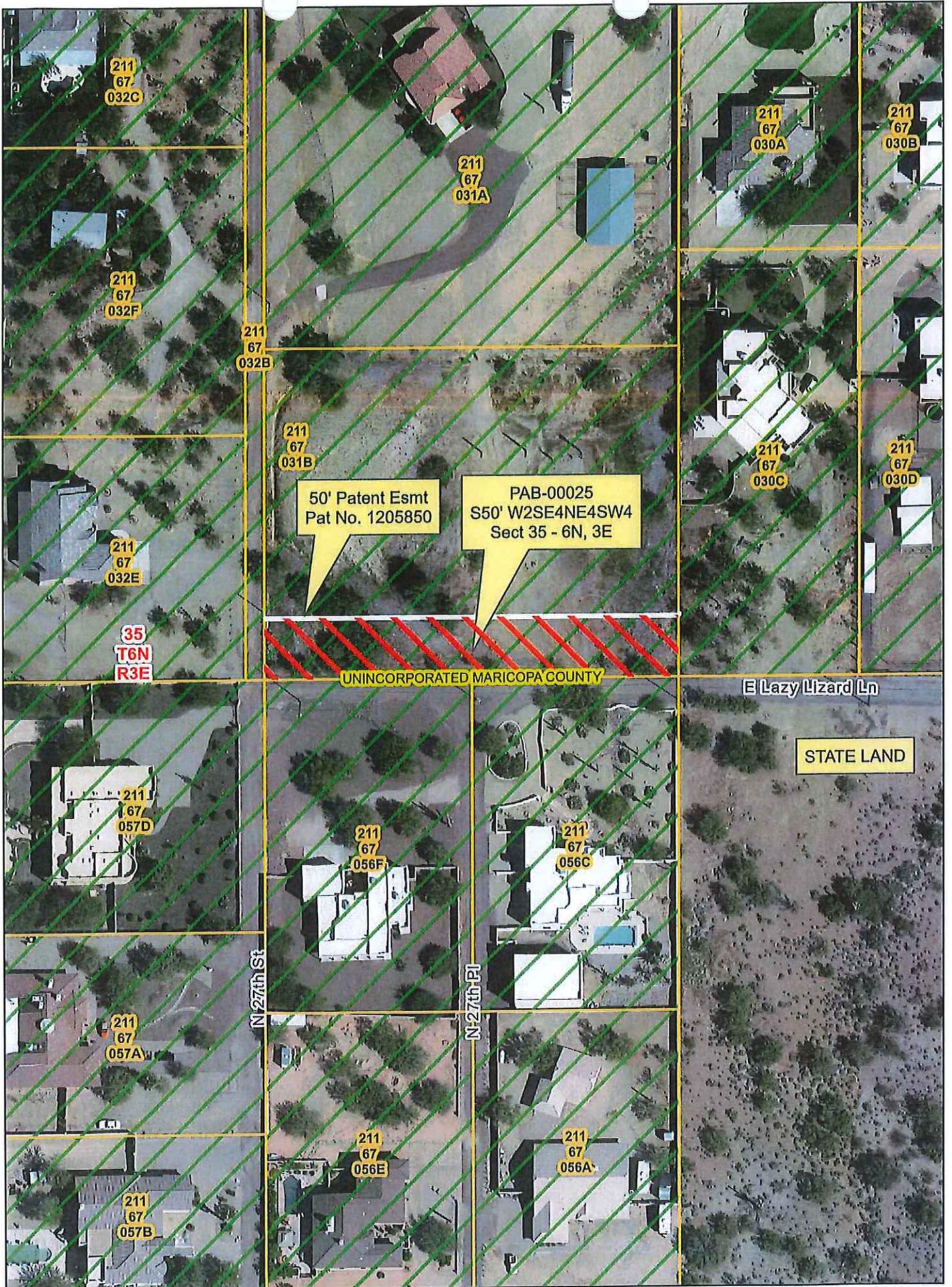
Statement of fact and Documentation for Items identified as not meeting abandonment requirements:

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Angela Horn	No Objection	
		Denise brewer	N/R	
		Denise Lacey	No Objection	
		David Fritz	N/R	
		Gary Scott	N/R	
		Kevin Kottmer	N/R	
		Nicolaas Swart	N/R	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	
		Century Link	No Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
		Town of Cave Creek water	NO Response	
d	GOV AGENCIES	N/A		
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 12/09/2015

INIT: KG

AERIAL EXHIBIT
PATENT EASEMENT
REPLACEMENT EASEMENT



211
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032C

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032F

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032E

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Pat No. 1205850

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031A

PAB-00025
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Sect 35 - 6N, 3E

UNINCORPORATED MARICOPA COUNTY

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Arizona 014192

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

Thelma Campbell Biegert

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. 6 N., R. 3 E.,

Sec. 35, W¹/₂SE¹/₄SW¹/₄.

The area described contains **5.00** acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding **50** feet in width, for roadway and public utilities purposes, to be located **along the south boundary 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 **MARCH** 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 1205850

INITIAL DETERMINATION REQUEST

LETTER TO REQUESTOR

INITIAL RESPONSE CHECKLIST



Maricopa County Department of Transportation

RECEIVED

Engineering Division

SEP 24 2015

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

MCDOT

PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION REQUEST

Applicant Name: MARK DAYMONAZ Tracking NO: PAB-0025
 Mailing Address: 4210 W OPPORTUNITY WAY
 City: ANTHEM STATE: AZ ZIP: 85086
 Telephone: 602-373-9404
 Email: Mark@TaylorTours.com Fax No: -

PARCEL DETAIL

Assessor's Parcel Number: 211-67-031B

- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
27th Street & LAZY LIZARD LANE
2736 E New River RD Cave Creek 85331
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
ABANDON EASEMENT bordering the south side of
PARCEL 211-67-031B

SIGNATURE

Mark Daymonaz 9-23-15
 Signature of Applicant* 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><i>[Signature]</i></u>
Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Check #: <u>1020</u> <u>DS20153587</u>	Date: <u>09/24/15</u>



Maricopa County

Department of Transportation

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

October 14, 2015

Mark Deymonaz
4210 W Opportunity Way
Anthem, AZ 85086

Attn: Mr. Deymonaz

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 211-67-031 and identified as tracking No. PAB-0025.

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.

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

Enclosure:
Aerial Exhibit

cc: PAB-0025 - file

PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST

Application ID: PAB0025

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

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

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

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection	
		Denise Brewer	No Response	
		Denise Lacey	No Response	
		David Fritz	No Objection	
		Gary Scott	No Response	
		Kevin Kottmer	No Response	
		Nicolaas Swart	No Objection	
b	COUNTY	P&D	No Objection	
		Real Estate	No Objection	
		Parks	No Objection	
		FCD	No Objection	
c	UTILITIES	APS	No Objection	5d
		Century Link	Objection	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
		Town of Cave Creek water	No Response	
d	GOV AGENCIES	State land	No Response	
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 10/14/2015

INIT: KG

LEGAL DESCRIPTION
PAB-0025

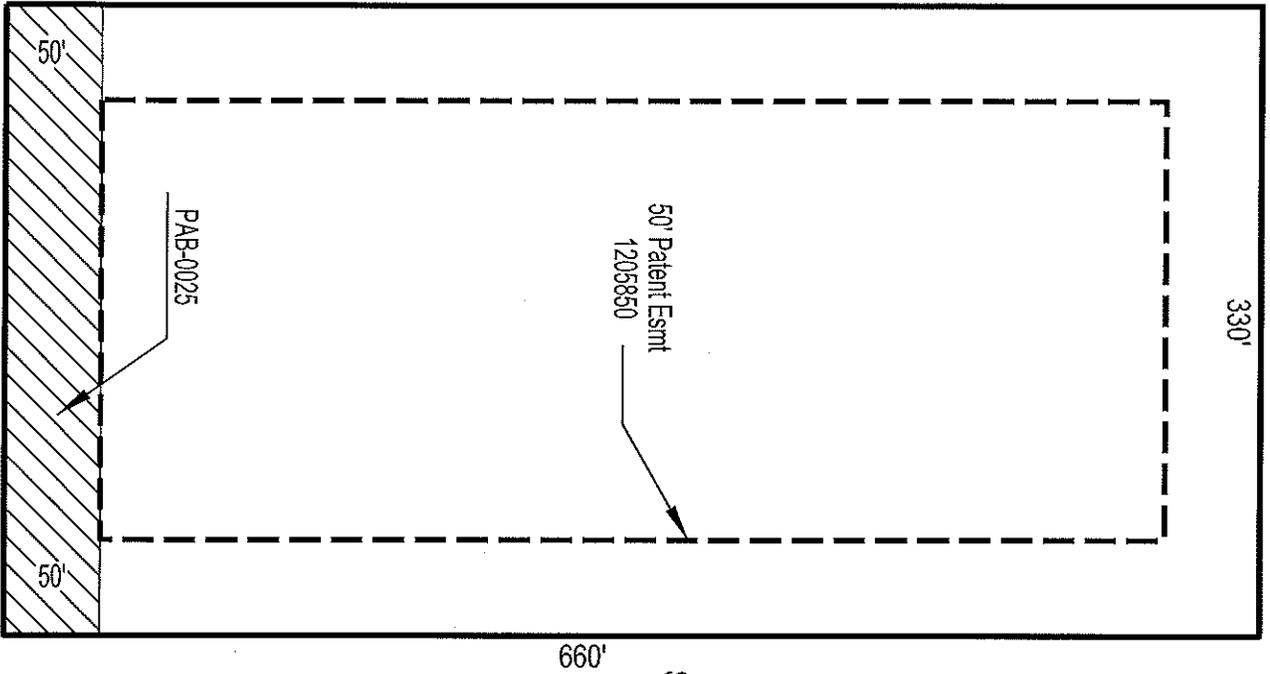
EXHIBIT "A"

Assessor Parcel No. 211-67-031C & 031D (Formerly 11-67-031B)

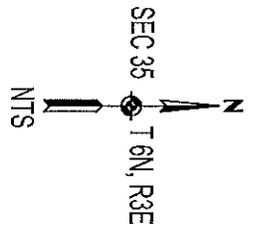
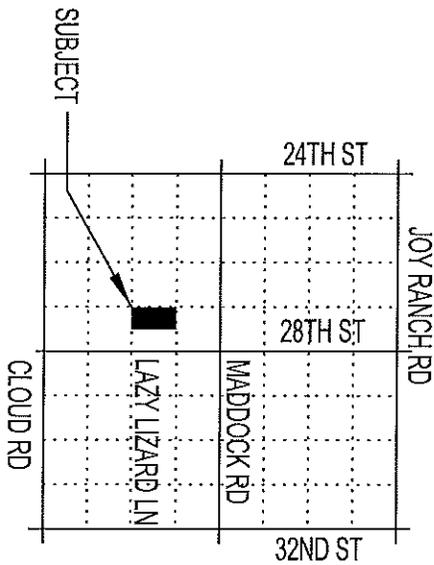
That portion of the easement described in Patent 1205850, lying in the Southwest quarter of Section 35 – T6N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The South 50 feet of the W2 SE4 NE4 SW4 of said Section 35.

PATENT EASEMENT ABANDON FILE NO. PAB-0025



Section 35, T6N, R3E
W.O. No. P00102



SUBJECT

EXHIBIT

PATENT EASEMENT ABANDONMENT
RECORD OF CERTIFIED LETTERS

Application ID: PAB-0025

SENT TO	ADDRESS	APN	DATE	COMMENT RECIEVED	DATE
MARK OR RENEE DEYMONAZ – APPLICANT	4210 W OPPORTUNIT Y WAY, ANTHEM, AZ 85086	211-67-031B	1/14/2016		
ARIZONA STATE LAND DEPARTMENT - abutting	1616 W ADAMS ST, PHOENIX, AZ 85007	unassessed	1/14/2016		
MICHAEL ACCETTURA AND MARY BRANCATO - abutting	1113 W MAPLE AVE SOUTH , SPRINGFIED, IL 62704	211-67-056C	1/14/2016		
ROBERT AND ALLISON GRIFFITHS - abutting	36516 N 27TH PL , CAVE CREEK, AZ 85331	211-67-056F	1/14/2016		
RANDALL and SHARON MOTT	BOX 797 , PT ROBERTS, WA 98281	211-67-057D	1/14/2016		
MARICOPA COUNTY	2901 W DURANGO,ST. PHOENIX, AZ 85009	211-67-032B	1/14/2016		

DATE: 1/14/2016

INIT: kg