



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0044 Federal Patent Easement Abandonment

Meeting Date: October 5, 2016 to set the hearing date.

Supervisor District Effected: 2

Applicant: Department of Transportation

Request: Approve the abandonment of that portion of the Patent easement as proposed by the owner of the property located at 36608 North 28th Street Cave Creek, AZ 85331 and being identified as Assessor Parcel No. 211-67-30D.

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

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-XXX
C-64-

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 50 foot wide patent easement located in the general vicinity of North 28th Street and East Lazy Lizard Lane was reserved for roadway and public utilities purposes in Patent Number PAB-0044; 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-0044
C-64-
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.

BE IT FURTHER RESOLVED that pursuant to statute ARS §28-7210 existing easements are not abandoned as related to 1) sewer, gas, water or similar pipelines and appurtenances, 2) canals, laterals or ditches and appurtenances, and 3) electric, telephone and similar lines and appurtenances.

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this

_____ day of _____, _____.

ATTEST:

Chairman of the Board of Supervisors
Maricopa County

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

Maricopa County Department of Transportation

AGENDA ITEM SUMMARY

Date: September 14, 2016

Project Manager/Contact: Michelle Markson

Contact Phone No.: 602-506-2904

Name of Project: Patent Easement Abandonment

Work Order/Project No.: P00102

PROPOSED BOARD MEETING DATE: October 5, 2016

REQUESTED ACTION: (Include what, with whom, when, where, why, how much (\$) and terms)
Set a hearing for December 7, 2016 for Road File No. PAB-0044 to Abandon a portion of a Federal Patent Easement Number 1209182. In addition, direct McDOT and the Clerk of the Board to fulfill all notice requirements as outlined in Ordinance P-34, Patent Easement Ordinance.

BOARD REQUIRED INFORMATION: (Include background, impact, long-term commitment)
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.

ADDITIONAL INFORMATION: (Include background, impact, long-term commitment)

Supervisory District No(s). 2

PERFORMANCE INFORMATION:

Program: Indirect Support

Activity: Real Estate Services

Performance Measure: # Patent Easements Abandoned

Anticipated Results: Board action will result to Abandon a portion of a Federal Patent easement pursuant to ARS §11-251.16, Maricopa County Ordinance No. P-34.

FUNDING: (Expenditure Impact by FY's)

No Financial Impact

Maricopa County Department of Transportation

AGENDA ITEM SUMMARY

Date: September 14, 2016

Project Manager/Contact: Michelle Markson

Contact Phone No.: 602-506-2904

Name of Project: Patent Easement Abandonment

Work Order/Project No.: PAB-0044

PROPOSED BOARD MEETING DATE: December 7, 2016

REQUESTED ACTION: (Include what, with whom, when, where, why, how much (\$) and terms)
Convene a hearing for Road File No. PAB-0044 to consider the request to abandon a portion of a Federal Patent Easement Number 1209182. Notice conditions and the request for comment requirements have been met.

BOARD REQUIRED INFORMATION: (Include background, impact, long-term commitment)
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-0044**. 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.

ADDITIONAL INFORMATION: (Include background, impact, long-term commitment)

Supervisory District No(s). 2

PERFORMANCE INFORMATION:

Program: Indirect Support

Activity: Real Estate Services

Performance Measure: # Patent Easements Abandoned

Anticipated Results: Board action will result to Abandon a portion of a Federal Patent easement pursuant to ARS §11-251.16, Maricopa County Ordinance No. P-34.

FUNDING: (Expenditure Impact by FY's)

No Financial Impact

**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: Bill Slominski Tracking NO: PAB- 0044
 Mailing Address: 4913 W Magellan DR
 City: Phoenix AZ STATE: AZ ZIP: 85087
 Telephone: 701-360-3541
 Email: SlominskiEnterprises@gmail.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 211-67-300

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

36608 N 28TH ST Cave Creek AZ 85331

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

A abandon the north 26 Feet of patent Easement on South 50 Feet of parcel (see attached)

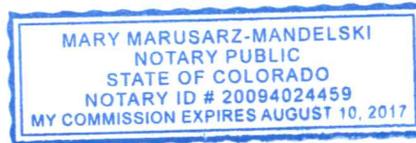
- Applicant is **REQUIRED** to be the current owner of the described property. A copy of your property deed must be attached to the application.
- If you have a mortgage, deed of trust, upon your property you are **REQUIRED** to provide a letter from the lender approving your request to abandon a patent 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.

William W Slominski 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: 8-10-2017

26th day of July, 2016



Mary Marusz-Mandelski
NOTARY PUBLIC

SIGNATURE

William W Slominski
Signature of Applicant

7-26-2016
Date

NOTE: The application fee is NOT refundable.

THIS PORTION TO BE COMPLETED BY MCDOT

Application Fee: \$1,600.00* Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>1350⁰⁰</u>	Received By:
	Check #: <u>4095</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.

RECORDING REQUESTED BY
Magnus Title Agency
AND WHEN RECORDED MAIL TO:
Double Dollar Holdings, L.L.C.

40
ch

1/1

ESCROW NO.: 04013529 - 792 - LGM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Home Hunters, LLC, An Arizona Limited Liability Company

do/does hereby convey to

Double Dollar Holdings, L.L.C, a Montana Limited Liability Company

the following real property situated in Maricopa County, ARIZONA:

See Exhibit A attached hereto and made a part hereof.

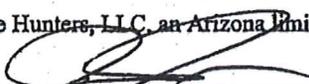
SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated 12/03/2010

SELLER:

Home Hunters, LLC, an Arizona limited liability company

By: 
Jason Jensen, Manager

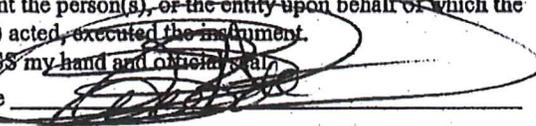
State of ARIZONA
County of Maricopa

}ss:

The Undersigned

On December 3, 2010, before me, ~~Lisa Gade~~ *Lisa Gade* is a Notary Public in and for said County and State, personally appeared Jason Jensen 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

Signature 

FOR NOTARY SEAL OR
STAMP



ROXANA Y. PAREDES
Notary Public—Arizona
Maricopa County
Expires 07/29/2014

Exhibit A

The East half of the Southeast quarter of the Northeast quarter of the Southwest quarter of Section 35, Township 6 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 317.16 feet, and

EXCEPT the West 145.00 feet

EXCEPT all oil, gas and other mineral deposits, as reserved unto the United States of America in the Patent to said land.

EXHIBIT A

THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE
SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 3 EAST OF THE
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.
EXCEPT THE NORTH 317.16' AND THE WEST 145.00'.



Scott T. Burden

EXPIRES 03-31-17

EXHIBIT A1

THE NORTH 28.00' OF THE SOUTH 50.00' OF THE FOLLOWING DESCRIBED PROPERTY;
THE EAST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. EXCEPT THE WEST 145.00', NORTH 317.16' AND THE EAST 50.00'.



Scott T. Burden

EXPIRES 03-31-17

**PATENT EASEMENT ABANDONMENT
APPLICATION
CHECKLIST**

Application ID: PAB-0044

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) 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)		x

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

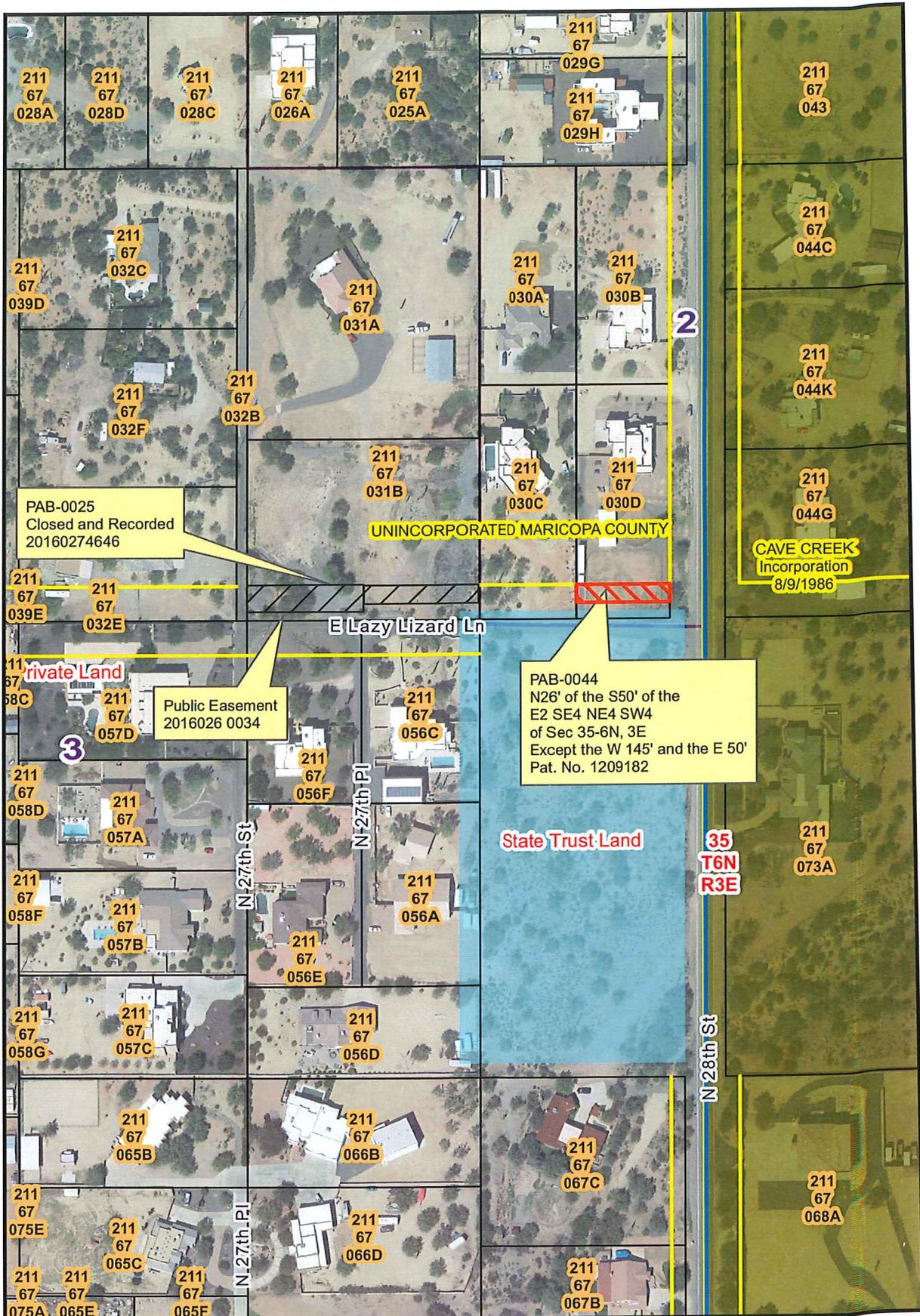
		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Objection to the North 26 ft on the south	
		Alfred Erives	No response	
		Denise Lacey	No response	
		Kevin Kottmer	No Objection to the North 26 ft on the south	
		Angela Horn	No Objection to the North 26 ft on the south	
b	COUNTY	Michael Norris - P&D	No Response	
		Darren Gerard – P&D	No Objection to the North 26 ft on the south	
		Dennis Lindsey -Real Estate	No Objection to the North 26 ft on the south	
		Don Rerick - FCD	No Objection to the North 26 ft on the south	
		RJ Cardin & Kenneth Vonderscher - Parks	No Objection to the North 26 ft on the south	
		Bill Wiley - FCD	No Objection to the North 26 ft on the south	
c	UTILITIES	APS	No Objection to the North 26 ft on the south	
		Century Link	No Objection to the North 26 ft on the south	
		Cox	N/A	
		SRP	N/A	
		SWG	N/A	
		Scottsdale Water	N/A	
		Town of Cave Creek water	No Objection to the North 26 ft on the south	
d	GOV AGENCIES	Arizona State Land	No Objection to the North 26 th ft on the south	
e	MUNICIPALITIES / TRIBES	N/A	N/A	

DATE: 09/06/2016

INIT: MM

AERIAL EXHIBIT
PATENT EASEMENT
REPLACEMENT EASEMENT

PAB-0044 APN: 211-67-030D



Unofficial Document



01
MARI

HELEN PURCELL

93-0531731 08/11/93 08:33

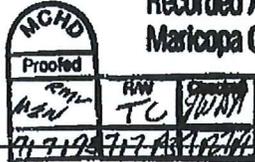
JOHN 3 OF 7

WHEN RECORDED RETURN TO:
Maricopa County Department of Transportation
Real Estate Division

EASEMENT AND AGREEMENT FOR HIGHWAY PURPOSES

Recorded At The Request Of:
Maricopa County Board Of Supervisors

Parcel No.: 211-67-030
Project No.: DD-8656
Item No.: O.R. (TC)



S. Lawrence Katz, as Personal Representative and as sole beneficiary of the Estate of Helen B. Katz

GRANTORS, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to MARICOPA COUNTY, a political subdivision of the State of Arizona, its successors, and assigns, a permanent easement and right-of-way, for the following purposes, namely: The right to enter upon the hereinafter described land and grade, level, fill, drain, pave, build, maintain, repair and rebuild a road or highway, including incidental purposes consistent therewith, together with such bridges, culverts, ramps and cuts as may be necessary, on, over, under, and across the ground embraced within the right-of-way situated in the County of Maricopa, State of Arizona, and described as follows:

The East Fifty (50) feet of the East one-half of the Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter (E1/2 of SE1/4 of NE1/4 of SW1/4) of Section Thirty-five (35), Township Six (6) North, Range Three (3) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

To have and to hold the said easement and right-of-way unto Maricopa County, a political subdivision of the State of Arizona and unto its successors and assigns forever, together with the right of ingress and egress to permit the economical operation and maintenance of said public highway and all incidents thereto, and together with the right to authorize, permit, and license the use thereof for utilities or other public purposes not inconsistent with its primary use as a highway.

And the Grantors hereby covenant that they are lawfully seized and possessed of this aforementioned tract or parcel of land; that they have a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons, subject to easements of record; that they accept the consideration paid hereunder as full payment for all damages to their property including any severance damages resulting from the grant of this easement and right-of-way.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said public highway.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

Wherever in the foregoing instrument the plural is used, it will be read as singular when necessary, and whenever words indicating gender are employed they will apply to either masculine, feminine or neuter as the context requires.

(See Reverse Side For Agreement and Signatures)

Arizona 014348

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

Helen B. Katz,

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, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

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 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 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 **TWENTY-SEVENTH** day of **MAY** 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 Ruth W. Talley
Chief, Patents Section.

Patent Number 1209182

Michelle Markson - MCDOTX

From: Micah Horowitz <MHorowitz@azland.gov>
Sent: Friday, August 19, 2016 12:40 PM
To: Denise Lacey - MCDOTX; Mitch Wagner - MCDOTX; Michelle Markson - MCDOTX
Cc: Ruben Ojeda; Mark Edelman; Max Masel
Subject: RE: PAB-0044 ROW Abandonment - Withdrawal Objection
Attachments: PAB-0044 Slominski Aerial.pdf; PAB-0044v2.pdf

Dear Denise,

After reviewing this material, ASLD would like to withdraw our prior objection to this abandonment request. Thank you for your time and help with this matter.

Best,
Micah



Micah Horowitz | Project Manager
Arizona State Land Department | Planning & Engineering
1616 West Adams Street | Phoenix, Arizona 85007
P 602.542.2643 | F 602.364.0406

mhorowitz@azland.gov | www.azland.gov

From: Denise Lacey - MCDOTX [<mailto:deniselacey@mail.maricopa.gov>]
Sent: Monday, August 08, 2016 9:35 AM
To: Micah Horowitz <MHorowitz@azland.gov>
Cc: Mitch Wagner - MCDOTX <mitchwagner@mail.maricopa.gov>; Michelle Markson - MCDOTX <MichelleMarkson@mail.maricopa.gov>
Subject: PAB044 Salomninski on Lazy Lizard Lane

Micah:

Here is a brief summary of the information we used to make our decision of NO Objection on the subject line easement abandonment request.

MCDOT Planning staff reviewed this request and found the following:

- Average Daily Trips on this alignment will likely never exceed a local roadway requirement.
- Local roadway cross section is 50 feet. The half street requirement would be up to 25 feet.
- The PAB indicates reservation of 24 feet on the applicant property (north side of alignment).
- A half street reservation or improvement would be required by adjacent properties with or without the PAB.
- If the roadway ever develops the state land parcel will be responsible for half street reservation or improvement of 24 feet.
- The approval of this PAB application will have no negative affect to State Land.

If you have any questions please let me know.

Denise Lacey



ARIZONA PUBLIC SERVICE

PAB-0044

David Schlief
Land Agent II
Land Services Department

Mail Station 3286
P.O. Box 53933
Phoenix, AZ 85072-3933
T: 602 - 371-7295
F: 602 - 371-6586
david.schlief@aps.com

June 22, 2016

Michelle Markson
Maricopa County Department of Transportation
Engineering Division
2901 W. Durango Street
Phoenix, AZ 85009

RE: Patent Right of Way Release Concurrence

Dear Ms. Markson

Per your request for Arizona Public Service Company's (APS) concurrence to release that portion of the Federal Patent Right of Way over the northerly 26 feet of the southerly 50 feet of the property located 36608 North 28th Street, Cave Creek Arizona 85331, described in your request dated June 22, 2016, the following information is provided.

I have researched our records and found that the subject property is situated within the APS service territory.

These records show that there are no existing facilities within the northerly 26 feet of said Patent Right of Way..

This letter shall advise that APS does consent to the release of said 26 foot portion of Federal Patent Right of Way described in your request .

Should you have further questions concerning this matter, please contact me at (602) 371-7295 or david.schlief@aps.com.

Sincerely,

David Schlief R.L.S.
Land Agent II
Land Services Department
Arizona Public Service Company

CenturyLink
Network Real Estate
5025 N. Black Canyon Hwy
Phoenix, AZ 85015



9/12/2016

Approved

Maricopa County DOT
2901 West Durango St.
Phoenix, AZ 85009

SUBJECT: PAB-0044 PUE Abandonment
Project Name: 36608 N 28TH ST
APN: 211-67-030-D

Re: Request for vacation of the utility easement on the south property line of APN 211-67-030-D at 36608 N. 28th St., Phoenix, Maricopa County, as described in more detail in the application, lying within the Southwest Quarter of Section 35 Township 6 North, Range 3 East, Gila and Salt River Meridian.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

CenturyLink agrees to the abandonment of the north 8' of the 33 foot patent easement and will retain the rights to the south 25 feet per the patent easement.

This vacation response is submitted with the stipulation that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.

If you have questions or concerns, please call Gladly Zeilstra at 480-560-0404.

Sincerely yours,

A handwritten signature in black ink that reads "Karen Caime". The signature is written in a cursive, flowing style.

Karen Caime
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

APN: 211-67-030-D Leaset # : P779907
Cave Creek WCE: Jesus Arrieta



September 6, 2016

Michelle Markson
Maricopa County Department of transportation
Engineering Division
2901 W. Durango Street
Phoenix, AZ 85009

RE: Patent Easement Abandonment PAB-0044

Dear Ms. Markson,

Per the request of the property owner of parcel 211-67-030D as shown on the attached diagram, the Town of Cave Creek is willing to abandon its rights to the easement of the north 26 feet of the south 50 feet of Pat. No. 1209182.

Sincerely,

David Snow, P.E.
Assistant Town Engineer
Town of Cave Creek

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: Bill Slominski Tracking NO: PAB-0044
 Mailing Address: 4913 W Magellan Dr
 City: Phoenix STATE: AZ ZIP: 85087
 Telephone: 701-360-3541
 Email: SlominskiEnterprises@gmail.com Fax No: _____

PARCEL DETAIL

Assessor's Parcel Number: 211-67-30D

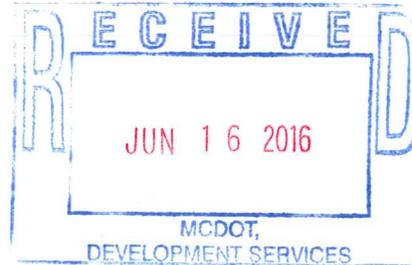
- Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
36608 N 28th St Cave Creek AZ 85331
- Description of Request:** (ex: Abandon Easement bordering the south side of parcel 123-45-067A)
Abandon the north 26 Feet of the Patent easement on the south 50 Feet of parcel.

SIGNATURE

Bill Slominski 6-16-16
 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 Make check payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009	Total Received: <u>250.⁰⁰</u> Check #: <u>4084</u> Date: <u>6-16-16</u>	Received By: <u>KM</u>
---	---	-------------------------------



Maricopa County

Department of Transportation

Transportation Systems
Management Division
2901 W. Durango Street
Phoenix, AZ 85009
Phone: 602-506-8676
Fax: 602-506-8758
www.mcdot.maricopa.gov

July 7, 2016

Mr. Bill Slominski
4913 West Magellan Drive
Phoenix, Arizona 85087

Attn: Mr. Bill Slominski, Assessor Parcel 211-67-030D

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination for possible abandonment of the Federal patent easement on your property identified as Assessor Parcel 211-67-030F, tracking No. PAB-0044.

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 Name of CenturyLink and Arizona State Land.

Section 5d of Maricopa County ordinance P-34 states that no abandonment of a patent easement can occur over objection from any utility. CenturyLink has objected, therefore you will need to contact Mary Hutton at 602-6330-7778 or email Mary.Hutton1@centurylink.com. Additionally, Arizona State Land has also objected and you will need to contact Micah Horowitz at 602-542-2643 or email at MHorowitz@azland.com to resolve their objection.

To view the 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

July 6, 2016
Page 2

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,

A handwritten signature in black ink, appearing to read "Denise Lacey", written over a horizontal line.

Denise Lacey
Systems Planning Branch Manager
PH: 602-506-6172

Enclosure:
Aerial Exhibit
Century Link Letter

cc: PAB-0044 - file

PATENT EASEMENT ABANDONMENT
INITIAL DETERMINATION
CHECKLIST

Application ID: PAB-0044

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) 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)		x

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

		REVIEWER	COMMENT	DISQUALIFYING CRITERIA
	MCDOT	Bob Woodring	No Response	
		Alfred Erives	No Response	
		Angela Horn	No Objection	
		Kevin Kottmer	No Objection	
		Denise Lacey	No Response	
b	COUNTY	Michael Norris (P&D)	No Response	
		Darren Gerard (P&D)	No Objection	
		Dennis Lindsey / Ken Green (Real Estate)	No Objection	
		Don Rerick (FCD)	No Objection	
		RJ Cardin / Kenneth Vonderscher (Parks)	No Objection	
		Bill Wiley (FCD)	No Response	
c	UTILITIES	APS	No Objection to 26 feet	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	Micah Horowitz (AZ State Land)	Objection	5d
e	MUNICIPALITIES / TRIBES	N/A		

DATE: 07/06/2016

INIT: MM