# Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

**Case #/Title:** PAB-0113 Federal Patent Easement Abandonment

**Meeting Date:** June 10, 2020

**Supervisor District:** 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 near 11th Avenue and Happy Valley Road and being identified as Assessor Parcel Number 210-08-024A, 210-08-024B, 210-08-024C.

**Support/Opposition:** Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. No objections were 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 received no objection to the full abandonment MCDOT recommends the following: Abandon the East 8 feet of the West 33 feet and the East 33 feet, EXCEPT the North 70 feet thereof; and the South 33, EXCEPT the West 25 feet and the East 33 feet thereof.

Presented by: Jennifer Toth, P.E.,
Director of Transportation/County Engineer

**Attachments:** Application / Proof of ownership / Aerial Exhibit / Comments Received on Application / Initial Determination Request / Letter to Requestor / Legal Exhibit and Description

# APPLICATION

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION**
2901 W. Durango Street • Phoenix, AZ 85009
Phone: (602) 506-4176

RECEIVED MAR 11 2020 MCDOT

# PATENT EASEMENT ABANDONMENT APPLICATION

## Contact Information

**Applicant Name:** 45 Lamar L.L.C. c/o Gammage & Burham, P.L.C. **PAB Number:** PAB-0113

**Mailing Address:** 2 North Central Avenue, 15th Floor

**City:** Phoenix **State:** Arizona **Zip:** 85004

**Phone** ( 602 ) - 256 - 4409 **Email:** ebrundige@gblaw.com

## Parcel Detail

**Assessor's Parcel Number:** 210 - 08 - 024A, 210 - 08 - 024B and 210 - 08 - 024C

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

   1017 West Happy Valley Road and 24805 North 11th Avenue, Phoenix, Arizona 85085

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

   See attached narrative.

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.

   I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this 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. If you don't have a mortgage or deed of trust on the subject property, you will need to sign, before a notary, the affidavit below attesting to that status.

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

   Subscribed and sworn to before me this My Commission Expires:

   _____ day of _____, 20____

   _____
   Notary Public

## Signature

**Signature of Applicant** **Date** March 11, 2020

## Maricopa County Use Only

**Application Fee*: $1,600**
Check #: 001342 Total Received: $1350.00 Date: 11 March 2020 Rec'd By: BP

*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**. The application fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.

Maricopa County Department of Transportation
2901 W. Durango Street Phoenix, AZ 85009

Permit Receipt

**Payer Name:**

45 LAMAR

4150 E LONE MOUNTAIN RD

CAVE CREEK , Arizona 85331

**Receipt #:** 100210

**Payment Date:** 3/11/2020

**Reference #:** PAB 0113

**Receipt Type:** Patent Easements

**Payment Items**

| Description | Payment Type | Transaction # | Amount |
|---|---|---|---|
| PATENT EASEMENT ABANDONMENT // 45 LAMAR LLC C/O GAMMAGE & BURHAM PLC | Check | 001342 | $1,350.00 |
| | | **Total:** | $1,350.00 |

January 27, 2020

RECEIVED
MAR 11 2020
MCDOT
DEVELOPMENT SERVICES

Maricopa County Department of Transportation
2901 West Durango Street
Phoenix, Arizona 85009

RE: Letter of Authorization respecting the southeast Corner of 11th Avenue and Happy Valley Road

To Whom It May Concern:

Edmunds Revocable Living Trust, as Lender on the approximate 4.7 acres located at the southeast corner of 11th Avenue and Happy Valley Road (also known as Maricopa County Assessor Parcel Numbers 210-08-024A, -024B, and -024C), hereby authorizes 45 Lamar L.L.C., the Borrower, and Gammage & Burnham, P.L.C. to file and process applications, including but not limited to entitlement and GLOPE abandonment applications, as necessary to entitle the above referenced property.

This authorization remains valid unless revoked in writing.

Sincerely,

Jane Edmunds
BY

Jane Edmunds, Trustee
PRINT NAME

ITS

# 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

RECEIVED
MAR 11 2020
MCDOT,
DEVELOPMENT SERVICES

September 12, 2019

Gammage & Burnham PLC and Elizabeth Brundige
2 North Central Avenue, 15th Floor
Phoenix, Arizona 85004

Dear Applicant/Property Owner,

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination for potential abandonment of the Federal Patent Easement on the properties identified as Assessor Parcels 210-08-024A, 210-08-024B and, 210-08-024C tracking No. PAB-0113. MCDOT has received the following **Objections:**

**MCDOT Objection:** Systems Planning objects to this abandonment request and has the following comments for Patent 1145606:

- North Patent Easement: The North Patent Easements for parcels 201-08-024A and B lie outside of Maricopa County jurisdiction within the City of Phoenix. MCDOT cannot act to remove this patent.
- Parcel 210-08-024A: Objection to full abandonment. However, MCDOT will support the abandonment of the east 8 feet of the west 33 feet (except the north 70 feet) retaining 25 feet.
- Parcel 210-08-024B: Objection to full abandonment. However, MCDOT will support the abandonment of the east 33 feet except the north 70 feet.
- Parcel 210-08-024C: Objection to full abandonment. However, MCDOT will support full abandonment of the east 33 feet and the south 33 feet (except the west 25 feet), and the east 8 feet of the west 33 feet preserving 25 feet.

For further information on MCDOT's objection contact: Bob Woodring by phone 602-506-8326 or email, bob.woodring@maricopa.gov.

***Please Note:*** The following agencies are not required to respond in the Initial Determination Phase. A request for Courtesy Review was sent and a response has not yet been received.

***CenturyLink and City of Phoenix Information Technology Services***

If a response is received after the date of this letter, we will notify you further of their determinations.

Maricopa County Ordinance P-34, Section 5d, states that no abandonment of a patent easement can occur over objection from any utility. You may view this Ordinance at http://www.mcdot.maricopa.gov/easements/home.htm, click on the "Ordinance P-34" hyperlink. A utility has objected and you will need to contact the indicated representative to resolve the objection.

After the objections have been addressed, proceed to the MCDOT website (https://www.maricopa.gov/775/Abandonment-of-Patent-Easements) for the next steps in the Patent Easement Abandonment process.

**NOTE:** Be advised, 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.

Sincerely,

Oralee Young – Administrative Assistant
Maricopa County Department of Transportation
Phone: 602-506-4631

Unofficial
20 Document

52
sa

RECEIVED
MAR 11 2020
MCDOT,

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

# WARRANTY DEED

File No. 60-521131 (SW)

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

**HVRA, LLC, an Arizona limited liability company**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE WEST 152 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA; AND

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

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

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

DATED: April 11, 2016

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

HVRA, LLC, an Arizona limited liability company

By: The BMS Trust, dated January 3, 1994 as Member

By: _____ Member
Name: Gracia Heard, Trustee

Unofficial Document

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Heard,* member of, HVRA, LLC, an Arizona limited liability company**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 2-4 18

Notary Public

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

* Trustee of the BMS Trust, dated 1/3/94

Unofficial Document

Unofficial
20 Document

52
Ho

RECEIVED
MAR 11 2020
MCDOT
DEVELOPMENT SERVICES

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521133 (SW)

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

**Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE EAST 178 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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 VALEY, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA;

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996

Gracia Ann Heard, Trustee

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Ann Heard Trustee under The BMS Trust**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Yvonne J. Carrillo
Notary Public

My Commission Expires:
2-4-18

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521133

The undersigned, being the Trustee(s) of the BMS Trust, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: BMS Trust

ADDRESS: 12450 E. Delgado St, (Unofficial Document), AZ, 86327

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

BMS Trust

_____ _____

Gracia Ann Heard, Trustee

Unofficial
20 Document

52
mo.

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

RECEIVED
MAR 11 2020

# WARRANTY DEED

File No. 60-521147 (SW)

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

**Rick D. Dolan, Personal Representative of the Estate of, Harold Dolan, deceased, Probate No. PB2013-070319**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE SOUTH 198 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS, AND OTHER MINERALS, AND ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

Rick D. Dolan, Personal Representative of
the Estate of, Harold Dolan, deceased,
Probate No. PB2013-070319

, PERSONAL REPRESENTATIVE

Rick D. Dolan, Personal Representative

Unofficial Document

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

STATE OF AZ )
)ss.
County of Maricopa )

On April 27, 2016, before me, the undersigned Notary Public, personally appeared **Rick D. Dolan, Personal Representative of The Estate of Harold Dolan**, 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.

Notary Public

My Commission Expires:
7/14/18

Unofficial Document

STEPHANIE WALLACE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires July 14, 2018

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521147

The undersigned, being the Trustee(s) of the Estate of Harold Dolan, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: RICK D DOLAN

ADDRESS: 8321 N. 51ST DR, GLENDALE, AZ 85302

Unofficial Document

NAME: ROW DAVIS

ADDRESS: 4132 W. DANZIA, PHX. AZ 85029

NAME: PAM PUH

ADDRESS: 4767 Mogadore, Kent, OH 44240

Estate of Harold Dolan

, PERSONAL REPRESENTATIVE

Rick D. Dolan, Personal Representative

## Property Overview

45 Lamar L.L.C. ("45 Lamar") is the owner of the approximate 4.7 acres generally located at the southeast corner of the 11th Avenue alignment and Happy Valley Road, more specifically Maricopa County Assessor Parcel Numbers 210-08-024A, -024B, and -024C (collectively, the "Property"). See Aerial Map. The Property is zoned Maricopa County Rural-43 and is located within the City of Phoenix's Municipal Planning Area. This application is proposing to abandon portions of the 33 FT General Land Office Patent Easement No. 1145606 encumbering the overall perimeter of the Property. 45 Lamar will be separately processing a Special Use Permit ("SUP") to allow for the continued use of the Property for outdoor storage.

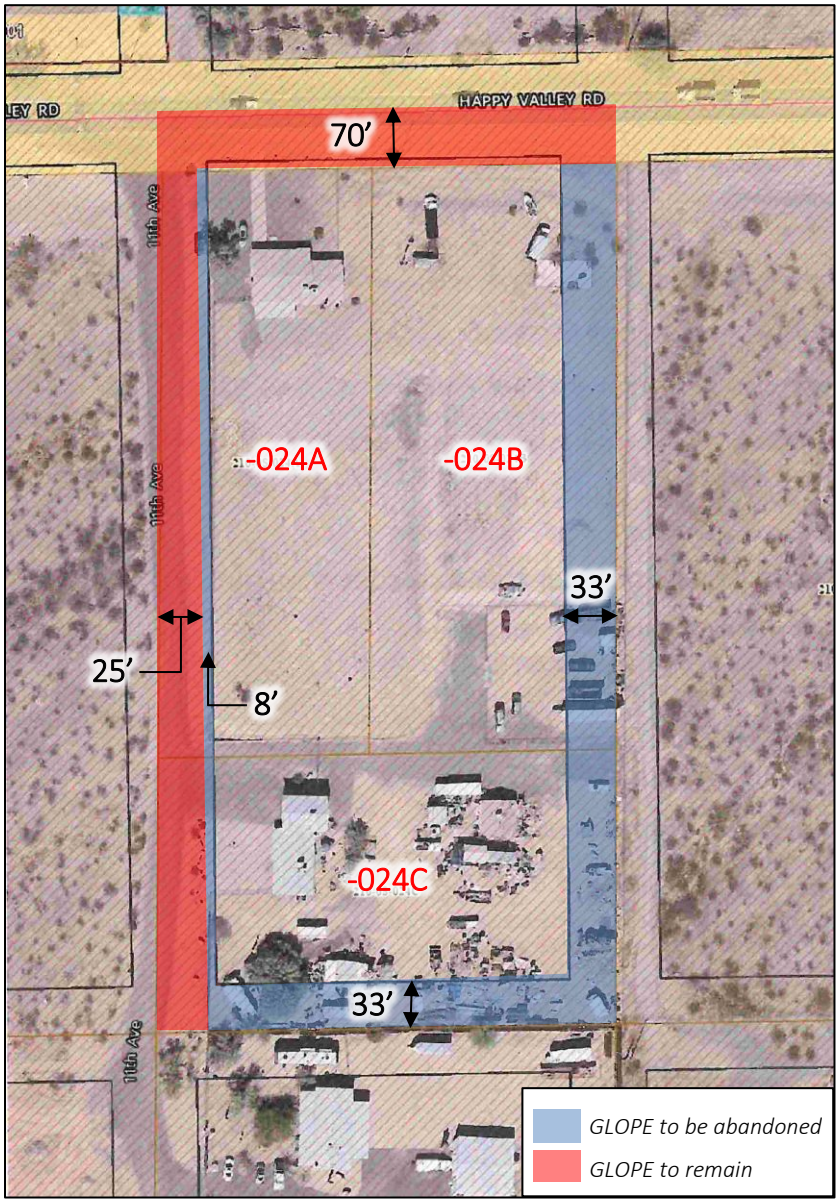
## GLOPE Abandonment Request

This application requests to abandon portions of General Land Office Patent Easement No. 1145606 ("GLOPE") adjacent to the east, south, and west sides of the overall perimeter of the Property, as stated and depicted below:

APN -024B — Abandon all 33 FT of the GLOPE adjacent to the east property line of APN -024B, except the north 70 FT. (The north 70 FT is planned as Happy Valley Road right-of-way controlled by the City of Phoenix – this application proposes no dedication of right-of-way for Happy Valley Road.)

APN -024C Abandon the east 33 FT and the south 33 FT (except the west 25 FT), and the east 8 FT of the west 33 FT, retaining 25 FT.

APN -024A Abandon the east 8FT of the west 33 FT, (except the north 70 FT) retaining 25 FT. (The north 70 FT is planned as Happy Valley Road right-of-way controlled by the City of Phoenix – this application proposes no dedication of right-of-way for Happy Valley Road.)




Again, no changes are proposed to the GLOPE adjacent to the north property lines of APNs –024A and –B.

***

On July 30, 2019, MCDOT issued an initial determination for the potential abandonment of the GLOPE, which included initial objections from MCDOT, the City of Phoenix, and Arizona Public Service Company (APS). However, 45 Lamar successfully resolved the City of Phoenix's and APS' objections, as well as discussed this proposal with MCDOT Staff. Subsequently, MCDOT issued an updated initial determination letter on September 12, 2019. This application has been prepared pursuant to the updated initial determination letter and our subsequent discussions with MCDOT.

The GLOPE was reserved on the original patent deed to ensure legal access to local governments and public utilities. Currently, the western portion of the GLOPE (the 11th Avenue alignment) is used for access to the Property, as well as for access to surrounding properties to the south. 45 Lamar intends on retaining the west 25 FT of the GLOPE to ensure continued legal access for local governments, utility companies, and adjacent property owners. 45 Lamar is not proposing to abandon the north 70 FT of the GLOPE, which is planned as Happy Valley Road right-of-way controlled by the City of Phoenix. The remaining east and south portions of the GLOPE have not and currently are not used by local governments, utility companies, or adjacent property owners, given that sufficient access, etc. exists on Happy Valley Road and 11th Avenue. Based on current conditions and projected development patterns, it is not anticipated that proposed abandonment of the GLOPE as described and depicted above will impact any future plans for public or utilities access.

# PROOF OF OWNERSHIP

Unofficial
20 Document

52
sa

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521131 (SW)

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

**HVRA, LLC, an Arizona limited liability company**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE WEST 152 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA; AND

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

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

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

DATED: April 11, 2016

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

HVRA, LLC, an Arizona limited liability company

By: The BMS Trust, dated January 3, 1994 as Member

By: _____ Member

Name: Gracia Heard, Trustee

Unofficial Document

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Heard,* member of, HVRA, LLC, an Arizona limited liability company**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 2-4 18

Notary Public

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

* Trustee of the BMS Trust, dated 1/3/94

Unofficial Document

Unofficial
20 Document

52
Ho

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521133 (SW)

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

**Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE EAST 178 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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 VALEY, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA;

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996

Gracia Ann Heard, Trustee

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Ann Heard Trustee under The BMS Trust**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Yvonne J. Carrillo
Notary Public

My Commission Expires:
2-4-18

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521133

The undersigned, being the Trustee(s) of the BMS Trust, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: BMS Trust

ADDRESS: 12950 E. Delgado St, [illegible], AZ, 86327

Unofficial Document

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

BMS Trust

_____ _____

Gracia Ann Heard, Trustee

Unofficial
20 Document

52
mo

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521147 (SW)

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

**Rick D. Dolan, Personal Representative of the Estate of, Harold Dolan, deceased, Probate No. PB2013-070319**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE SOUTH 198 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS, AND OTHER MINERALS, AND ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

Rick D. Dolan, Personal Representative of
the Estate of, Harold Dolan, deceased,
Probate No. PB2013-070319

Rick D. Dolan, Personal Representative

Rick D. Dolan, Personal Representative

Unofficial Document

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

STATE OF AZ )
)ss.
County of Maricopa )

On April 27, 2016, before me, the undersigned Notary Public, personally appeared **Rick D. Dolan, Personal Representative of The Estate of Harold Dolan**, 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.

Notary Public

My Commission Expires:
7/14/18

Unofficial Document

STEPHANIE WALLACE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires July 14, 2018

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521147

The undersigned, being the Trustee(s) of the Estate of Harold Dolan, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: RICK D DOLAN

ADDRESS: 8321 N. 51ST DR. GLENDALE, AZ 85302

Unofficial Document

NAME: ROW DAVIS

ADDRESS: 4132 W. DANZIA, PHX. AZ 85029

NAME: PAM PUH

ADDRESS: 4747 Mogadore, Kent, OH 44240

Estate of Harold Dolan

, PERSONAL REPRESENTATIVE

Rick D. Dolan, Personal Representative

# AERIAL EXHIBIT

# PAB-0113

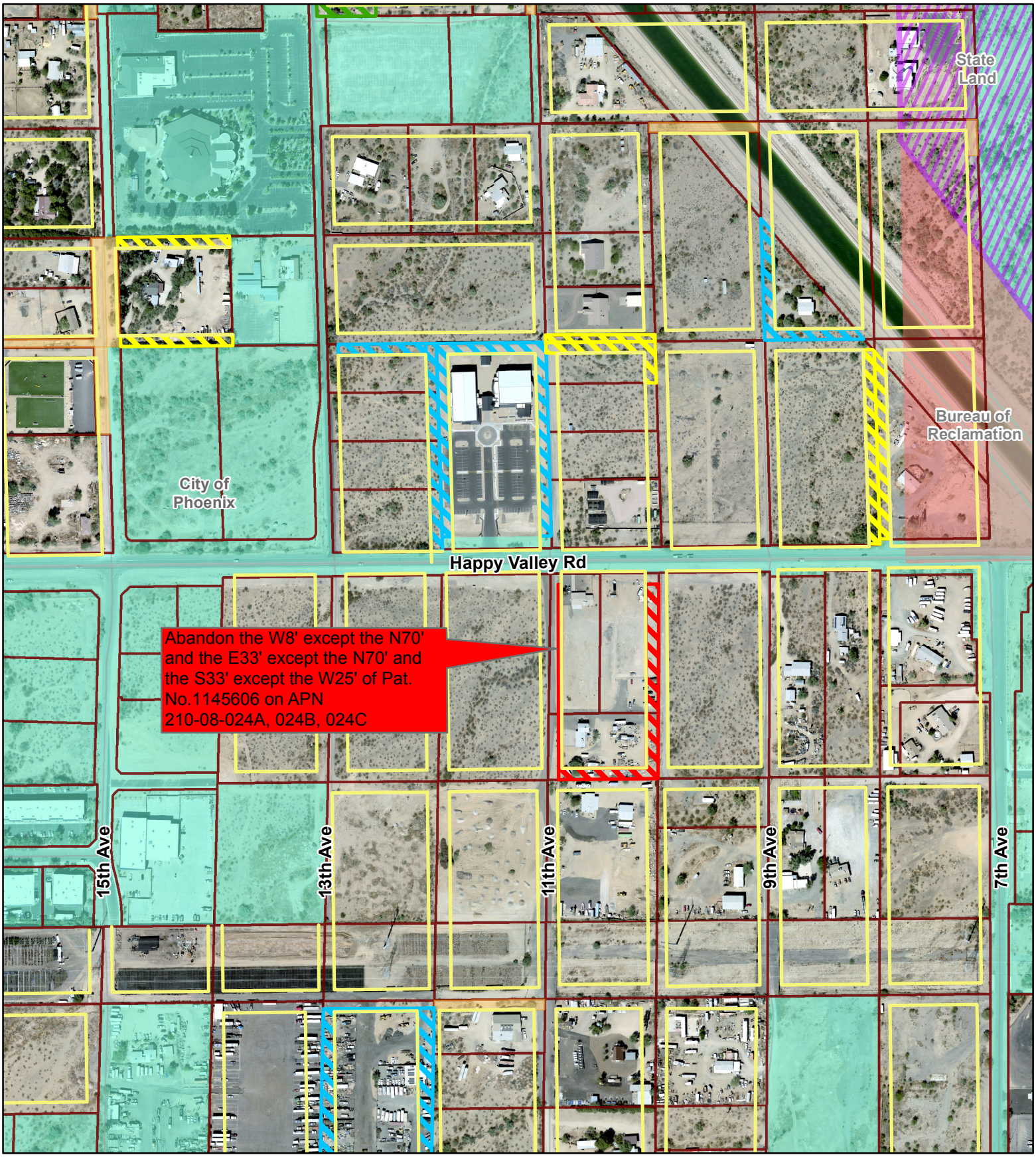
APN: 210-08-024A, 024B, 024C

Date: 3/11/2020

**Legend**

- Current PAB
- Lapsed
- Pending
- Abandoned
- Distance of Patent Easement
- Right of Way
- Parcel boundary
- State Land
- Bureau of Reclamation
- City of Phoenix

N



# COMMENTS RECEIVED

# ON APPLICATION

## Jessica May (DOT)

**From:** David Fritz (DOT)
**Sent:** Friday, March 13, 2020 8:54 AM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

Jessica,

I have no comments regarding the request.

Thanks

**David Fritz, PE**
*Branch Manager – Roadway & Drainage Design*
Engineering Division
O: 602.506.2826 ▪ C: 602.723.8442 ▪ F: 602.506.7264
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
david.fritz@maricopa.gov

---

**From:** Jessica May (DOT)
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Charlie Klenner (FCD)
**Sent:** Thursday, March 12, 2020 2:40 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

Hello,

No conflict with FCD.

**Charles Klenner**
O&M Division Manager
**Flood Control District of Maricopa County**
2801 W Durango St, Phoenix, AZ 85009
(O) 602-506-4714 (C) 602-980-6026
charlie.klenner@maricopa.gov
maricopa.gov/floodcontrol

---

**From:** Jessica May (DOT)
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Don Rerick (FCD)
**Sent:** Thursday, March 12, 2020 12:44 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

No PPM objections; thanks

---

**From:** Jessica May (DOT)
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Darren V. Gérard (PND)
**Sent:** Tuesday, March 17, 2020 3:08 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request
**Attachments:** PAB-0113 Application Reviewer Request Letter.pdf; Patent Easement Abandonment Application PAB 0113.pdf; PAB-0113 App Aerial.pdf; Parcel 210-08-024B Deed.pdf; Parcel 210-08-024C Deed.pdf; Parcel 210-08-024A Deed.pdf; All Parcels Patent_ 1145606.pdf; PAB-0113 Revised Objection Letter.pdf

No comment or objection.

**Darren V. Gérard, AICP**
**Planning Services Manager**
Planning & Development
602-506-7139
Darren.Gerard@maricopa.gov

---

**From:** Jessica May (DOT) <Jessica.May@Maricopa.Gov>
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Ken Vonderscher (PRK)
**Sent:** Thursday, March 12, 2020 2:28 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

Jessica

No comments or concerns from MCPRD.

Thanks

Ken


***Ken Vonderscher***
Planning and Development Manager
Maricopa County Parks and Recreation Department
41835 N Castle Hot Springs Road
Morristown, AZ 85342-9887
(602) 506-9503 - direct
(602) 506-9500 - main
(602) 372-8596 - fax


Maricopa County
Parks and Recreation Department
Connecting people with nature! Visit us at **maricopa.gov/parks** or by clicking on a link below.
**Reservations** **Events** **Facebook** **Twitter** **YouTube**

---

**From:** Jessica May (DOT) <Jessica.May@Maricopa.Gov>
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica


**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Tony Chavez (RED)
**Sent:** Tuesday, March 17, 2020 9:49 AM
**To:** Jessica May (DOT)
**Cc:** Deborah Fisher (RED)
**Subject:** RE: PAB-0113 Application Review Request

Good afternoon, Jessica.

County Real Estate has no objection since this request will not impact any of the County's "general government" facilities.

We defer to MCDOT regarding where they would like to preserve the "grid" for future roadway needs.

Thank you.

Tony Chavez
Maricopa County Real Estate Department
(602) 506-1344
Tony.Chavez@Maricopa.Gov

---

**From:** Deborah Fisher (RED)
**Sent:** Monday, March 16, 2020 11:26 AM
**To:** Tony Chavez (RED) <Tony.Chavez@Maricopa.Gov>
**Subject:** FW: PAB-0113 Application Review Request

S:\REAL_ESTATE\MCDOT PAB Reviews

This is where the files are located. I have broken them out by number and Initial Determination and Application review. I also put a sample response together on a word doc to cut and paste.

I saved each of the attached docs to the folders already but have not reviewed or looked up on the Facilities locator. When I do, I save a snipit of the aerial to file as well. It helps when I have to go back and look at it again.

Can you please handle any of these I send your way?

*Deborah Fisher*
Property Management Supervisor
Maricopa County Real Estate Department
O: 602.506.1054
C: 602.722.8375
Deborah.Fisher@maricopa.gov
2801 W. Durango Street
Phoenix, Arizona 85009

**From:** Jessica May (DOT)
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** Bob Woodring (DOT)
**Sent:** Friday, March 13, 2020 8:41 AM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

Jessica: Systems Planning has no objection with the following abandonment application request:

APN 210-08-024A
Abandon the East 8-feet of the West 33-feet, except the North 70-feet.

APN 210-08-024B
Abandon the East 33-feet, except the North 70-feet.

APN 210-08-024C
Abandon the East 33-feet; the South 33-feet, except the West 25-feet and the East 8-feet of the West 33-feet.

Thank you

---

**From:** Jessica May (DOT)
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

Maricopa County
Department of Transportation

## Jessica May (DOT)

**From:** Karen Ayotte <kayotte@cap-az.com>
**Sent:** Thursday, March 12, 2020 12:13 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

CAP has no objections.

**Karen Ayotte**
RIGHT OF WAY SPECIALIST II

O (623) 869-2242
E kayotte@cap-az.com
L 23636 North 7th Street, Phoenix, Arizona 85024

Central Arizona Project Disclaimer:
This e-mail message from **Karen Ayotte** and any files transmitted with it may contain confidential or privileged information intended solely for the individual(s) addressed in the message. Any review, use, distribution, or disclosure of this information by others is strictly prohibited. If you are not the intended recipient, or authorized to receive this transmission for the intended recipient, please contact the sender by reply e-mail and delete all copies of this message and any files transmitted with it from your system.

---

**From:** Jessica May (DOT) <Jessica.May@Maricopa.Gov>
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

## Jessica May (DOT)

**From:** James.Generoso@aps.com
**Sent:** Thursday, March 12, 2020 1:57 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request

I've reviewed PAB-0113 on behalf of APS and our position remains the same, we have no objection the proposed patent easement abandonment.

-James

---

**From:** Jessica May (DOT) <Jessica.May@Maricopa.Gov>
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

*****CAUTION***** *****CAUTION***** *****CAUTIO**

This e-mail is from an **EXTERNAL** address (Jessica.May@maricopa.gov). **DO NOT** click on links or open attachmen the sender and know the content is safe. If you suspect this message to be phishing, please report it to the APS Cyber D *ACDC@apsc.com*.

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

**Jessica May**
*Planner*
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

--- NOTICE ---

This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Although we have taken reasonable precautions to ensure no viruses are present in this e-mail, we accept no liability for

any loss or damage arising from the use of this e-mail or attachments, or for any delay or errors or omissions in the contents which result from e-mail transmission.

March 18, 2020

Jessica May
Planner
Systems Planning Branch
Transportation Systems Management
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009

RE: Abandonment Request for 1017 W Happy Valley Rd., PAB-0113, APN 210-08-024A; 0224B; 024C

Ms. May,

I have reviewed the abandonment request at 1017 W Happy Valley Rd., PAB-0113, APN 210-08-024A; 0224B; 024C, in Phoenix {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the PUE and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment.

If I can be of further assistance, please contact me using the contact information below.

Kenny Hensman

*Kenny Hensman*

COX Communications
Permitting Group
Right of Way Agent II

kenny.hensman@cox.com

AZ.JointUse@cox.com

OSP BUILD TO WIN

Bringing us closer

El Paso
Natural Gas Company
a Kinder Morgan company

Phoenix Division Office
7776 S Pointe Parkway West, Ste 185
Phoenix, Arizona 85044
520-509-3265

March 17, 2020

Jessica May
Planner
Systems Planning Branch
O: 602.506.4178
Maricopa County Department of Transportation
2901 W. Durango Street ▪ Phoenix, AZ 85009
jessica.may@maricopa.gov

**NOTIFICATION OF FACILITIES NO CONFICT**

**RE: Site Improvements:**
Project Address: 1017 W Happy Valley Road & 24805 N 11th Ave Phoenix, AZ 85085
Parcel #: 210-08-024A; 024B; 024C

Dear Ms. May,

El Paso Natural Gas Company has no conflict at the subject location.

Sincerely,

Steve Weatherhead
Land and Right of Way

## Jessica May (DOT)

**From:** Jami Erickson <jami.erickson@phoenix.gov>
**Sent:** Thursday, March 12, 2020 12:23 PM
**To:** Jessica May (DOT)
**Subject:** RE: PAB-0113 Application Review Request
**Attachments:** PAB-0113 Application Reviewer Request Letter.pdf; Patent Easement Abandonment Application PAB 0113.pdf; PAB-0113 App Aerial.pdf; Parcel 210-08-024B Deed.pdf; Parcel 210-08-024C Deed.pdf; Parcel 210-08-024A Deed.pdf; All Parcels Patent_ 1145606.pdf; PAB-0113 Revised Objection Letter.pdf

Jessica,

The City of Phoenix Water Services Department does not have existing or planned facilities in this area, and we have no objection to the abandonment.

This response is for the City of Phoenix Water Services Department only and does not reflect any comments from other City departments.

Thanks,

Jami Erickson
City of Phoenix Water Services Department
Water Engineering Design & Construction Management
200 W Washington St, 8th Floor
Phoenix, AZ 85003
602.261.8229
Visit us at: phoenix.gov/water

IMPORTANT CONFIDENTIALITY NOTICE: The information contained in this electronic mail transmission is confidential and intended solely for the stated recipient of the transmission. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately by telephone and to delete this transmission, together with any attachments, and destroy all copies in any form.

---

**From:** Jessica May (DOT) [mailto:Jessica.May@Maricopa.Gov]
**Sent:** Thursday, March 12, 2020 12:04 PM
**Subject:** PAB-0113 Application Review Request

Hello all,

Please review the attached documents and respond no later than **Monday, April 13, 2020.** Feel free to reach out with any questions or concerns.

Thank you,
Jessica

5/14/2020

Gammage & Burnham
Attn: Lindsay C. Schube
602.256.4471 Direct | 480.225.4400 Mobile
lschube@gblaw.com

PAB-0113
**No Reservations/No Objection**

**SUBJECT:** Abandonment of Federal Patent Easement 1145606, dated July 20, 1954, near 1017 W. Happy Valley Rd. & 248015 N. 11th Ave., Phoenix, AZ more specifically the west 8-feet (except the north 70-feet) and the east 33-feet (except the north 70-feet) and the south 33-feet

**APN:** 210-08-024A, 210-08-024B, 210-08-024C

Ms. Schube:

Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference. ***This response supersedes our previous 'Reservations/Objection' response letter dated 4-13-2020, addressed to Maricopa County Department of Transportation.***

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.

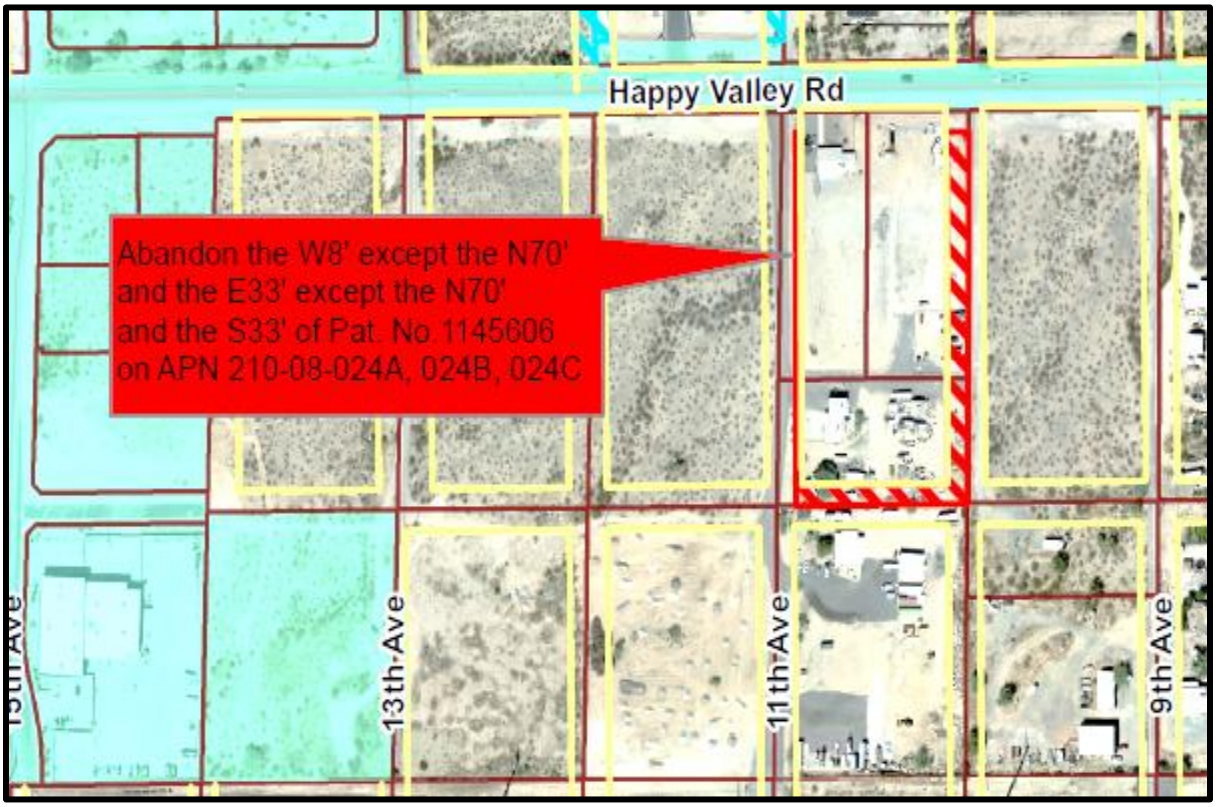
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Annette Zohner via email at Annette.Zohner@CenturyLink.com.

Sincerely yours,

Tommy Sassone
Network Infrastructure Services
CenturyLink
P826464

**Exhibit A**


15th Ave
13th Ave
11th Ave
9th Ave
Happy Valley Rd
Abandon the W8' except the N70'
and the E33' except the N70'
and the S33' of Pat. No.1145606
on APN 210-08-024A, 024B, 024C

# INITIAL

# DETERMINATION

# REQUEST

RECEIVED
JUN 21 2019
By

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION**
2901 W. Durango Street • Phoenix, AZ 85009
Phone: (602) 506-4178

# PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

## Contact Information

**Applicant Name:** Gammage & Burnham, PLC / Elizabeth J. Brundige

**Mailing Address:** 2 North Central Avenue, 15th Floor

**City:** Phoenix **State:** Arizona **Zip:** 85004

**Phone** ( 602 ) - 256 - 4409 **Email:** ebrundige@gblaw.com

## Parcel Detail

**Assessor's Parcel Number:** 210 - 08 - 024A, 210 - 08 - 024B and 210 - 08 - 024C

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

1017 West Happy Valley Road, Phoenix, Arizona 85085
24805 North 11th Avenue, Phoenix, Arizona 85085

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

Abandon all GLOPE on Assessor's Parcel numbers 210-08-024A, 210-08-024B, and 210-08-024C as shown on the enclosed map.

**3. Access Certification:**

I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this initial determination.

## Signature

Elizabeth J. Brundige
**Signature of Applicant**

June 21, 2019
**Date**

## Maricopa County Use Only

PAID
6-21-19

**PAB Number:** _____

**Initial Determination Fee*: $250.00**

CC Check #: 3760659198 Total Received: 250.00 Date: 6-21-19 Rec'd By: Cam R

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.

MARICOPA COUNTY
DEPARTMENT OF TRANSPORTATION
2901 WEST DURANGO STREET
PHOENIX, ARIZONA 85009

Permitting Section

# RECEIPT

| Receipt No. | | Payer Name | Date: |
|---|---|---|---|
| PS 2019 | 4466 | ELIZABETH BRUNDAGE | 6/21/2019 |

| Address | City |
|---|---|
| 2 N CENTRAL AVE | PHX |

| State | Zip |
|---|---|
| AZ | 85004 |

Receipt By AMR

Cash ☐

| Crd | Credit Trans.Act.No |
|---|---|
| ☑ | 3760659198 |

| Chk | ChkNo |
|---|---|
| ☐ | |

| MO | MONo |
|---|---|
| ☐ | |

Comments:
PAB // ABANDON ALL GLOPE ON ASSESSOR'S PARCEL NUMBERS 210-08-024A / 210-08-024B / 210-08-024C AS SHOWN ON THE ENCLOSED MAP

| Description | Amount |
|---|---|
| APN: 210-08-024A // 210-08-024B // 210-08-024C | $250.00 |
| | |
| | $0.00 |
| | |
| | $0.00 |
| | |
| | $0.00 |
| | |
| | $0.00 |
| | |
| | $0.00 |
| TOTAL | **$250.00** |

Phone No. (602) 506-8609 Fax No. (602) 506-4009 www.mcdot.maricopa.gov

MARICOPA COUNTY MCDOT TRANSPORTATION

MCDOT Maricopa County Department of Transportation

# MCDOT Permits

**Thank you for your payment.**

**Please print this receipt and keep it for your records.**

| | |
|---|---|
| Clerk ID : | ARAMIREZ |
| Customer Name : | ELIZABETH BRUNDAGE // GAMMAGE & BURNHAM |
| Reference Number : | APN: 210-08-024A - 210-08-024B - 210-08-024C |

| Product | Description | Payment Amount |
|---|---|---|
| Abandonments | 1 | $250.00 |
| | Payment Amount: | $250.00 |

**Receipt Number:** 3760659198

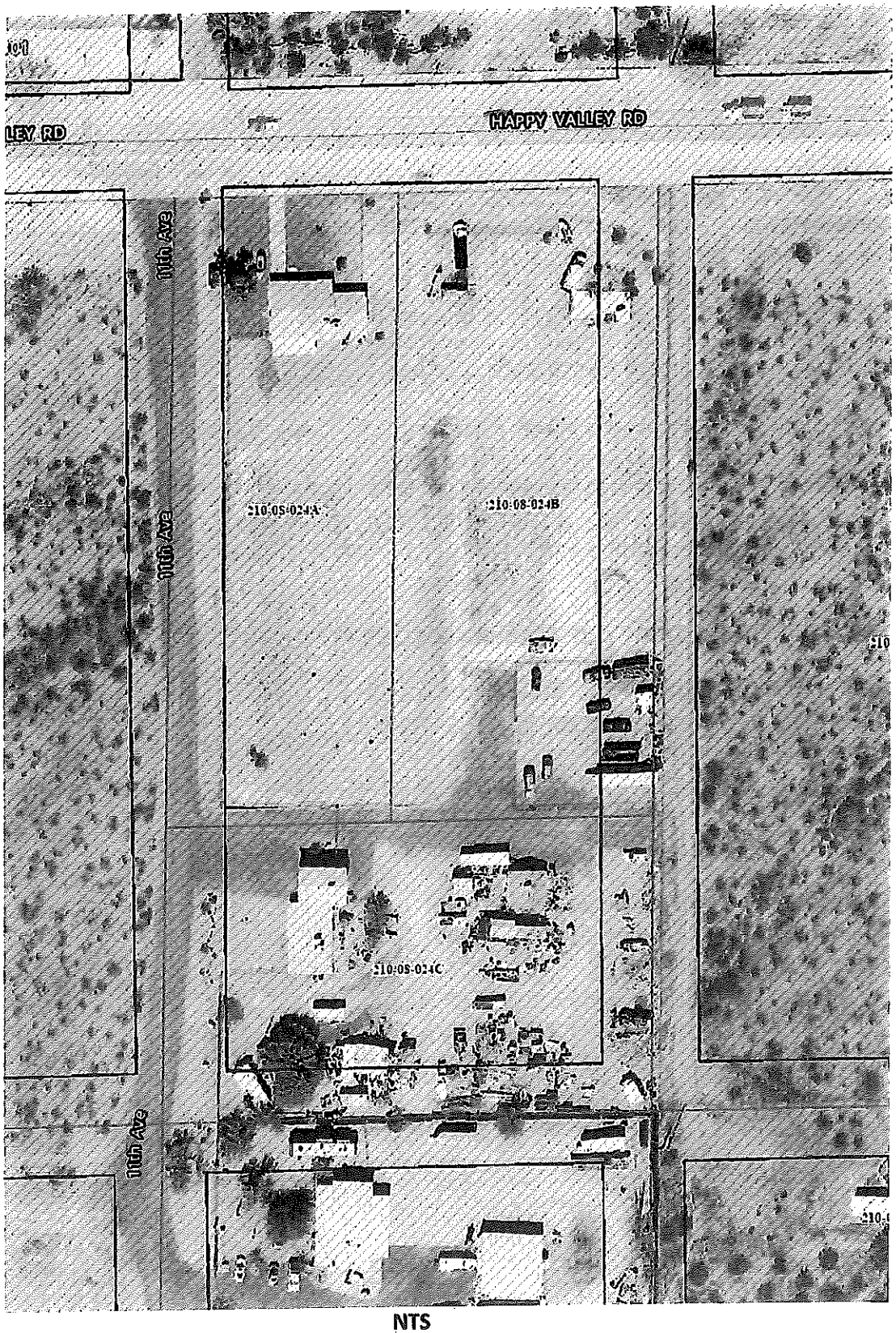
**Transaction Date:** 06/21/2019 11:43 AM

**Payment Type:** VISA

**Account Number:** *1212

x

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.




NTS



Patent
11456006

Unofficial
20 Document

52
sa

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521131 (SW)

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

**HVRA, LLC, an Arizona limited liability company**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE WEST 152 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA; AND

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

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

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

DATED: April 11, 2016

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

HVRA, LLC, an Arizona limited liability company

By: The BMS Trust, dated January 3, 1994 as Member

By: _____ Member

Name: Gracia Heard, Trustee

Unofficial Document

File No.: 60-521131 (SW)
A.P.N.: 210-08-024A 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Heard,* member of, HVRA, LLC, an Arizona limited liability company**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 2-4 18

Notary Public

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

* Trustee of the BMS Trust, dated 1/3/94

Unofficial Document

Unofficial
20 Document

52
Ho

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521133 (SW)

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

**Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE EAST 178 FEET OF THE NORTH 462 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERALS AND 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 VALEY, AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA;

EXCEPT 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, AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

Gracia Ann Heard Trustee, under the BMS Trust, U/A/D January 3, 1996

Gracia Ann Heard, Trustee

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

STATE OF Arizona )
)ss.
County of Yavapai )

On May 2, 2016, before me, the undersigned Notary Public, personally appeared **Gracia Ann Heard Trustee under The BMS Trust**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Yvonne J. Carrillo
Notary Public

My Commission Expires:
2-4-18

OFFICIAL SEAL
YVONNE J. CARRILLO
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb. 4, 2018

Unofficial Document

File No.: 60-521133 (SW)
A.P.N.: 210-08-024B 1

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521133

The undersigned, being the Trustee(s) of the BMS Trust, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: BMS Trust

ADDRESS: 12950 E. Delgado St, [illegible], AZ, 86327

Unofficial Document

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

BMS Trust

_____ _____

Gracia Ann Heard, Trustee

Unofficial
20 Document

52
mo

Recording Requested by:
Clear Title Agency of Arizona, LLC

When recorded mail to:
45 Lamar, LLC
24103 North 25th Place
Phoenix, AZ 85024

---

# WARRANTY DEED

File No. 60-521147 (SW)

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

**Rick D. Dolan, Personal Representative of the Estate of, Harold Dolan, deceased, Probate No. PB2013-070319**, the GRANTOR does hereby convey to

**45 Lamar, LLC, an Arizona limited liability company**, the GRANTEE

the following described real property situate in Maricopa County, Arizona:

THE SOUTH 198 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS, AND OTHER MINERALS, AND ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL WHETHER OR NOT OF COMMERCIAL VALUE AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA.

Pursuant to ARS 33-404, Beneficiaries names and addresses under said trust(s) are disclosed in Beneficiary Disclosure attached hereto.

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

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

DATED: April 11, 2016

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

Rick D. Dolan, Personal Representative of
the Estate of, Harold Dolan, deceased,
Probate No. PB2013-070319

Rick D. Dolan, Personal Representative

Rick D. Dolan, Personal Representative

Unofficial Document

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

STATE OF AZ )
)ss.
County of Maricopa )

On April 27, 2016, before me, the undersigned Notary Public, personally appeared **Rick D. Dolan, Personal Representative of The Estate of Harold Dolan**, 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.

Notary Public

My Commission Expires:
7/14/18

Unofficial Document

STEPHANIE WALLACE
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires July 14, 2018

File No.: 60-521147 (SW)
A.P.N.: 210-08-024C 0

Warranty Deed - continued

BENEFICIARY DISCLOSURE

April 11, 2016

Clear Title Agency of Arizona, LLC
11211 North Tatum Blvd., Suite 150
Phoenix, AZ 85028

RE: Escrow No. 60-521147

The undersigned, being the Trustee(s) of the Estate of Harold Dolan, do(es) hereby certify that as of this date said Trust Agreement is in full force and effect and has not been amended, modified or revoked.

The names and addresses of the beneficiaries of the trust, which must be disclosed on the deed, are as follows:

NAME: RICK D DOLAN

ADDRESS: 8321 N. 51ST DR. GLENDALE, AZ 85302

Unofficial Document

NAME: ROW DAVIS

ADDRESS: 4132 W. DANZIA, PHX. AZ 85029

NAME: PAM PUH

ADDRESS: 4747 Mogadore, Kent, OH 44240

Estate of Harold Dolan

, PERSONAL REPRESENTATIVE

Rick D. Dolan, Personal Representative

4-1222
(Jan. 1953)

Phoenix 082228

# 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 Theodore Walter Sparks

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. 7, W½NW¼NW¼.

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.

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 day of JULY 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.

[SEAL]

For the Director, Bureau of Land Management.

By S. C. Nichols

*Chief, Patents Section Unit.*

Patent No. 1145606

U. S. GOVERNMENT PRINTING OFFICE 16—68764-1

# LETTERS TO

# REQUESTOR

# 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 30, 2019

Gammage & Burnham PLC and Elizabeth Brundige
2 North Central Avenue, 15th Floor
Phoenix, Arizona 85004

Dear Applicant/Property Owner,

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination for potential abandonment of the Federal Patent Easement on the properties identified as Assessor Parcels 210-08-024A, 210-08-024B and, 210-08-024C tracking No. PAB-0113. MCDOT has received the following **Objections:**

**MCDOT Objection:** Systems Planning objects to this abandonment request and has the following comments for Patent 1145606:

- North Patent Easement: The North Patent Easements for parcels 201-08-024A and B lie outside of Maricopa County jurisdiction within the City of Phoenix. MCDOT cannot act to remove this patent.
- Parcel 210-08-024A: Objection to full abandonment. However, MCDOT will support the abandonment of the east 8 feet of the west 33 feet (except the north 70 feet) retaining 25 feet.
- Parcel 210-08-024B: Objection to full abandonment. However, MCDOT will support the abandonment of the east 33 feet except the north 70 feet.
- Parcel 210-08-024C: Objection to full abandonment. However, MCDOT will support full abandonment of the east 33 feet and the south 33 feet (except the west 25 feet), and the east 8 feet of the west 33 feet preserving 25 feet.

For further information on MCDOT's objection contact: Bob Woodring by phone 602-506-8326 or email, bob.woodring@maricopa.gov.

Utilities **Objections:**
***City of Phoenix Water*** objects to abandonment of the Patent Easement. For further information on this objection contact Jami Erickson phone number (602)261-8229 email jami.erickson@phoenix.gov.

***APS*** objects to abandonment of the Patent Easement. For further information on this objection contact James Generoso phone number (602)371-7847 email James.Generoso@aps.com.

***Please Note:*** The following agencies are not required to respond in the Initial Determination Phase. A request for Courtesy Review was sent and a response has not yet been received.

***CenturyLink and City of Phoenix Information Technology Services***

If a response is received after the date of this letter, we will notify you further of their determinations.

Maricopa County Ordinance P-34, Section 5d, states that no abandonment of a patent easement can occur over objection from any utility. You may view this Ordinance at http://www.mcdot.maricopa.gov/easements/home.htm, click on the "Ordinance P-34" hyperlink. A utility has objected and you will need to contact the indicated representative to resolve the objection.

After the objections have been addressed, proceed to the MCDOT website (https://www.maricopa.gov/775/Abandonment-of-Patent-Easements) for the next steps in the Patent Easement Abandonment process.

**NOTE:** Be advised, 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.

Sincerely,

Oralee Young – Administrative Assistant
Maricopa County Department of Transportation
Phone: 602-506-4631

# 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

September 12, 2019

Gammage & Burnham PLC and Elizabeth Brundige
2 North Central Avenue, 15th Floor
Phoenix, Arizona 85004

Dear Applicant/Property Owner,

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination for potential abandonment of the Federal Patent Easement on the properties identified as Assessor Parcels 210-08-024A, 210-08-024B and, 210-08-024C tracking No. PAB-0113. MCDOT has received the following **Objections:**

**MCDOT Objection:** Systems Planning objects to this abandonment request and has the following comments for Patent 1145606:

- North Patent Easement: The North Patent Easements for parcels 201-08-024A and B lie outside of Maricopa County jurisdiction within the City of Phoenix. MCDOT cannot act to remove this patent.
- Parcel 210-08-024A: Objection to full abandonment. However, MCDOT will support the abandonment of the east 8 feet of the west 33 feet (except the north 70 feet) retaining 25 feet.
- Parcel 210-08-024B: Objection to full abandonment. However, MCDOT will support the abandonment of the east 33 feet except the north 70 feet.
- Parcel 210-08-024C: Objection to full abandonment. However, MCDOT will support full abandonment of the east 33 feet and the south 33 feet (except the west 25 feet), and the east 8 feet of the west 33 feet preserving 25 feet.

For further information on MCDOT's objection contact: Bob Woodring by phone 602-506-8326 or email, bob.woodring@maricopa.gov.

***Please Note:*** The following agencies are not required to respond in the Initial Determination Phase. A request for Courtesy Review was sent and a response has not yet been received.

***CenturyLink and City of Phoenix Information Technology Services***

If a response is received after the date of this letter, we will notify you further of their determinations.

Maricopa County Ordinance P-34, Section 5d, states that no abandonment of a patent easement can occur over objection from any utility. You may view this Ordinance at http://www.mcdot.maricopa.gov/easements/home.htm, click on the "Ordinance P-34" hyperlink. A utility has objected and you will need to contact the indicated representative to resolve the objection.

After the objections have been addressed, proceed to the MCDOT website (https://www.maricopa.gov/775/Abandonment-of-Patent-Easements) for the next steps in the Patent Easement Abandonment process.

**NOTE:** Be advised, 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.

Sincerely,

Oralee Young – Administrative Assistant
Maricopa County Department of Transportation
Phone: 602-506-4631

# 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

May 18, 2020

45 Lamar LLC, c/o Gammage & Burham PLC
2 North Central Avenue, 15th Floor
Phoenix, Arizona 85004

**Subject: PAB-0113 Application Review Results Letter**

Dear Applicant,

The Maricopa County Department of Transportation (MCDOT) has completed the Application review for potential abandonment of the Federal Patent Easement on the property identified as Assessor Parcel 210-08-024A, 024B, and 024C, tracking number PAB-0113. MCDOT has received the following responses:

**MCDOT:** No objection.

**County Departments:** No objection.

**Utilities:** No objection.

Please be advised that as of the date of this letter, MCDOT has not received a response from the following: Arizona State Land Department.

**NOTE:** Be advised, 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.

The attached materials will be presented to the Board of Supervisors for approval at an upcoming meeting. For additional information on the Board of Supervisors process, please refer to the MCDOT website (https://www.maricopa.gov/775/Abandonment-of-Patent-Easements) or contact me as indicated below.

Sincerely,

Jessica May

Jessica May, Planner
Maricopa County Department of Transportation
Phone: 602-506-4178
Email: Jessica.May@maricopa.gov

Attachments: Board of Supervisors Report; Legal Exhibit

# Attachments

# Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

**Case #/Title:** PAB-0113 Federal Patent Easement Abandonment

**Meeting Date:** June 10, 2020

**Supervisor District:** 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 near 11th Avenue and Happy Valley Road and being identified as Assessor Parcel Number 210-08-024A, 210-08-024B, 210-08-024C.

**Support/Opposition:** Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. No objections were 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.

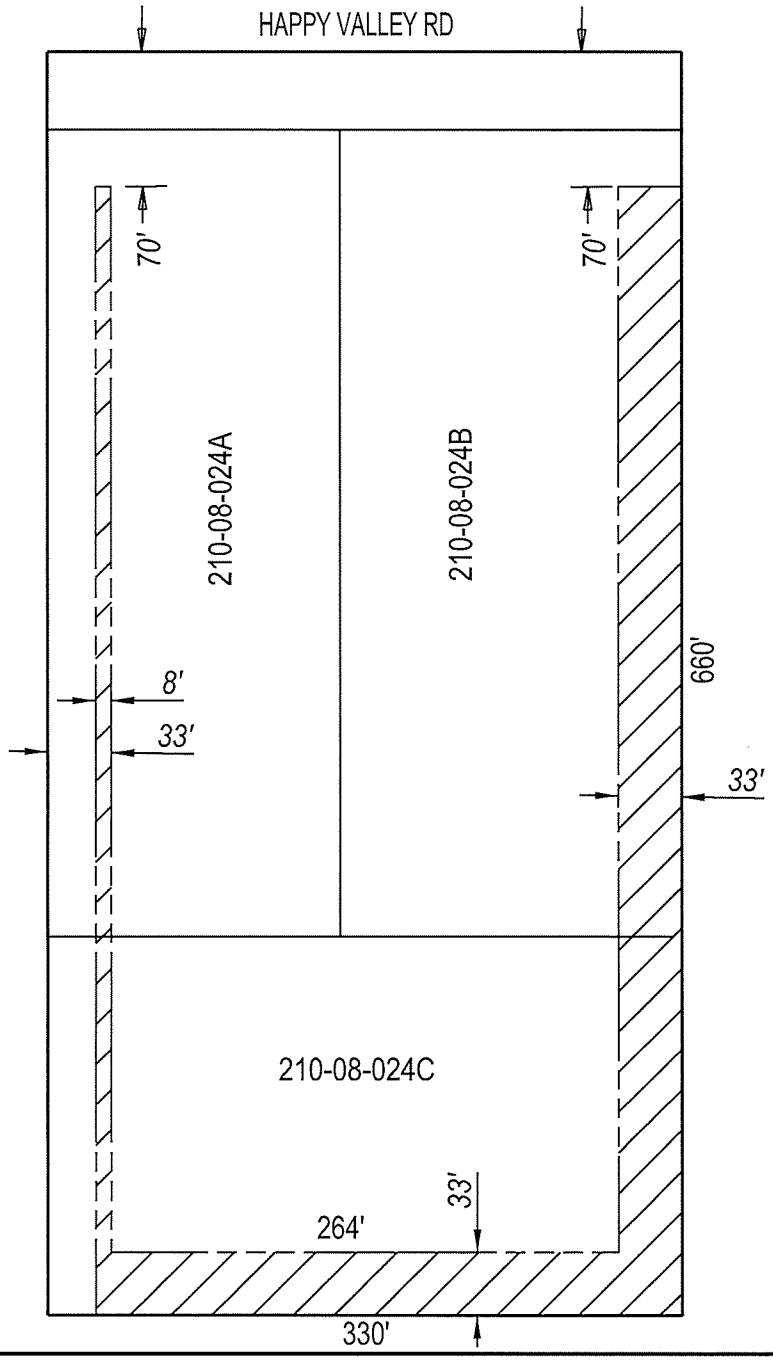
## Department Recommendation:

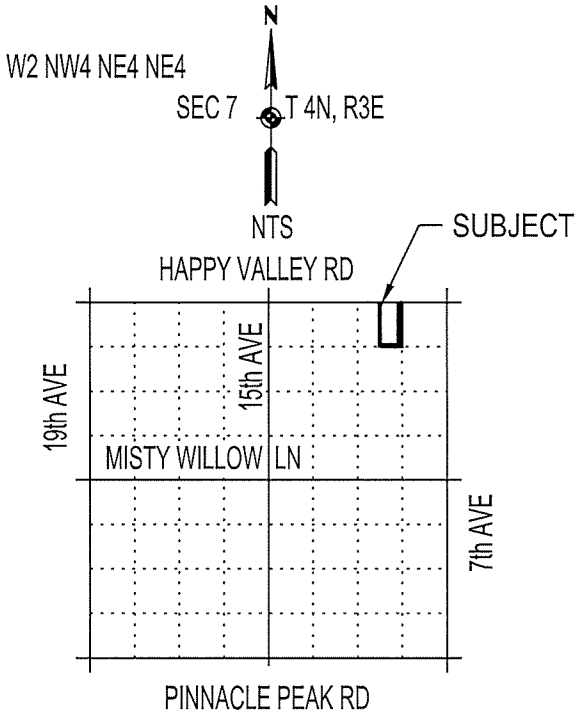
Having received no objection to the full abandonment MCDOT recommends the following: Abandon the East 8 feet of the West 33 feet and the East 33 feet, EXCEPT the North 70 feet thereof; and the South 33, EXCEPT the West 33 feet and the East 33 feet thereof.

Presented by: Jennifer Toth, P.E.,
Director of Transportation/County Engineer

**Attachments:** Application / Proof of ownership / Aerial Exhibit / Comments Received on Application / Initial Determination Request / Letter to Requestor / Legal Exhibit and Description

# PATENT EASEMENT ABANDON FILE NO. PAB-0113




Section 7, T4N, R3E
W.O. No. P00102

Sheet 1 of 1

EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION

# LEGAL DESCRIPTION

# AND EXHIBIT

LEGAL DESCRIPTION
PAB-0113

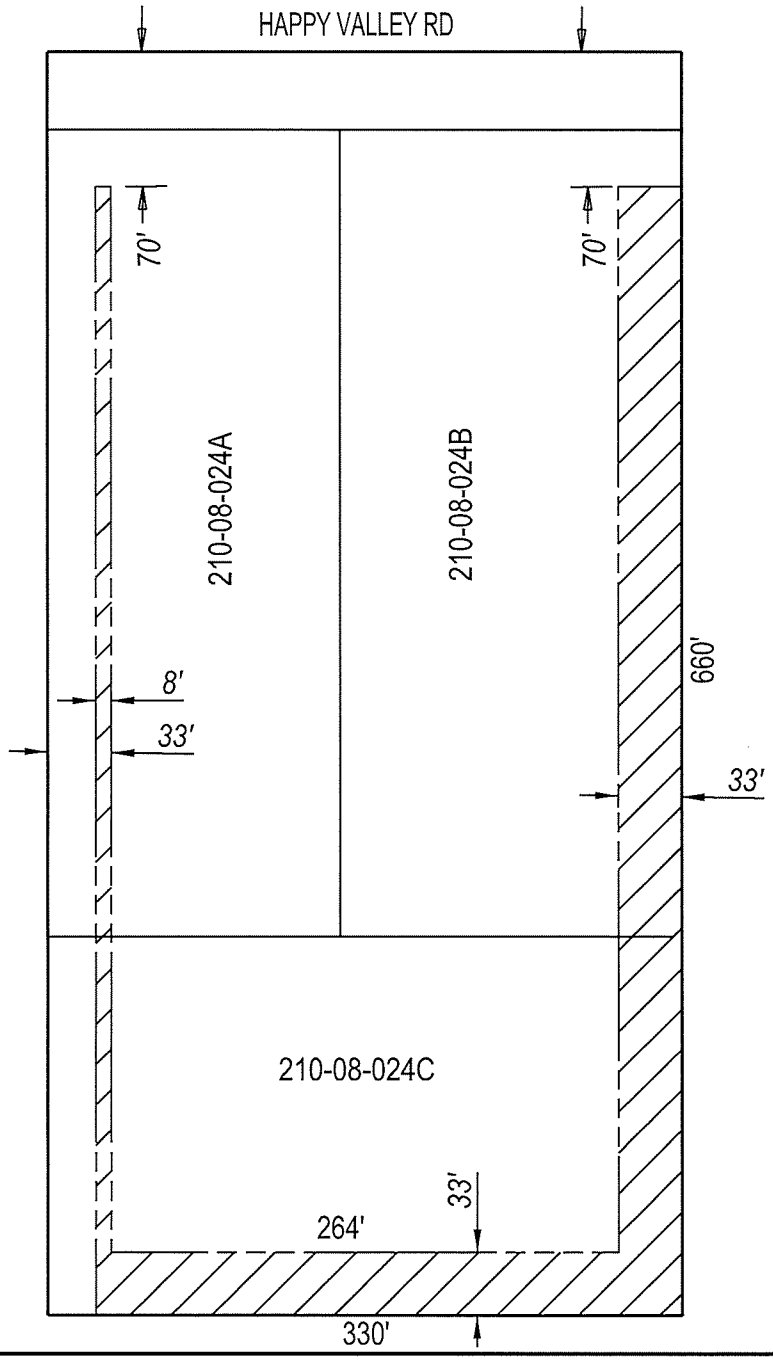
EXHIBIT “A”

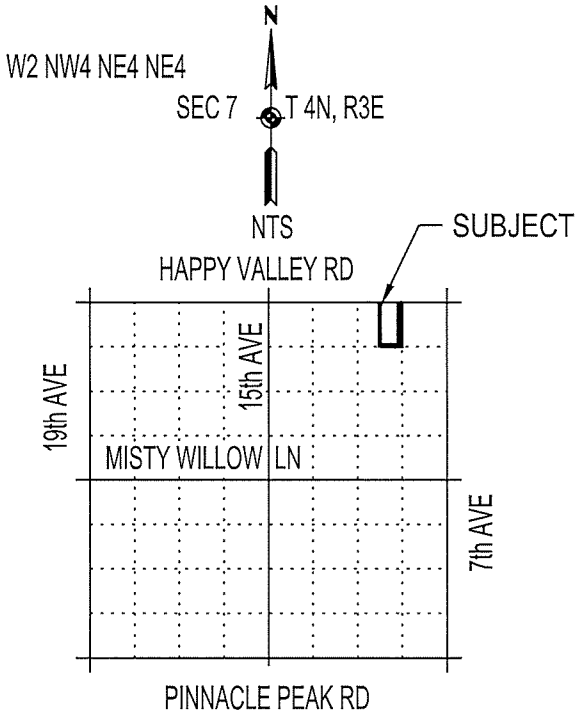
Assessor Parcel No. 210-08-024A, 024B, & 024C

That portion of the easement described in Patent 1145606, lying in the W2 NW4 NE4 NE4 of Section 7 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East 8 feet of the West 33 feet and the East 33 feet, EXCEPT the North 70 feet thereof; and
The South 33, EXCEPT West 25 feet and the East 33 feet thereof.

# PATENT EASEMENT ABANDON FILE NO. PAB-0113




Section 7, T4N, R3E
W.O. No. P00102

Sheet 1 of 1

EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION