# Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

**Case #/Title:** PAB-0129 Federal Patent Easement Abandonment

**Meeting Date:** September 2, 2020

**Supervisor District:** 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 30502 North 58th Street, Cave Creek, Arizona 85331 and being identified as Assessor Parcel Numbers 211-45-066 and 211-45-067C.

**Department Recommendation:**

Having received no objection to the full abandonment MCDOT recommends the following:

APN 211-45-066: Abandon the South 3 feet of the North 33 feet; EXCEPT the West 26 feet, thereof and the East 7 feet of the West 33 feet; EXCEPT North 33 feet, thereof.

APN 211-45-067C: Abandon the South 3 feet of the North 33 feet; EXCEPT the East 33 feet, thereof.

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

**Support/Opposition:** Request for comment has been circulated to all affected parties pursuant to County Ordinance P-34, Section 2d. An Initial Determination was circulated for review in March 2020, and results sent to the applicant in March 2020. The Application was circulated in review in June 2020. The following responses were received:

***County Departments – No Objection:*** Transportation, Planning and Development, Real Estate, Parks and Recreation, and Flood Control District.

***Utilities – No Objection:*** Arizona Public Service, CenturyLink, City of Phoenix Water Services Department, and City of Scottsdale Water Resources Department.

**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.

**Attachments:** Application / Proof of Ownership / Aerial Exhibit / Initial Determination Request / Legal Exhibit and Description

# APPLICATION

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

# PATENT EASEMENT ABANDONMENT APPLICATION

**Applicant Name:** Homer and Julie Savard **PAB Number:** _____

**Mailing Address:** 30502 N 58th Street

**City:** Cave Creek **State:** AZ **Zip:** 85331

**Phone** (602) - 363 - 5703 **Email:** homersavard@aol.com

**Assessor's Parcel Number:** 211 - 45 - ~~607C~~ 067C, -066
JM, Updated APN 6/23/20

1. **Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
   Parcels 211-45-066 and 211-45-067C

2. **Description of Request:** (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   On the North side, we request an abandonment of 3' On the West side of 211-45-066:w
   We ReQuest A. 7' Abandonment -

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 _____ day of _____, 20____

   My Commission Expires:

   _____
   Notary Public

**Signature of Applicant** 6/23/2020 **Date**

**Application Fee*: $1,600**
Check #: 100293 Total Received: $1350.00 Date: 6/23/202 6-25-2020 Rec'd By: _____

*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:**

HOMER SAVARD

8215 E RAINTREE DR

SCOTTSDALE, Arizona 85260

**Receipt #:** 100293

**Payment Date:** 6/25/2020

**Reference #:** PAB-0129 // APN 211-45 -067C / 066

**Receipt Type:** Abandonments

**Payment Items**

| Description | Payment Type | Transaction # | Amount |
|---|---|---|---|
| PATENT EASMENT ABANDONMENT // HOMER AND JULIE SAVARD | Credit Card | 3784214304 | $1,350.00 |

**Total:** $1,350.00

Quicken Loans

1050 Woodward Avenue | Detroit, MI 48226 | QuickenLoans.com

6/12/20

Quicken Loans as POA for Charles Schwab approves the abandonment of the 3 feet of the patent easement located on the property. This is regarding property address 30502 N 58th St, Cave Creek, AZ 85331 for our client(s) Homer and Julie Savard. Please reach out to me if you have any additional questions,

x _____

Kalvin Cauthen

Limited Lien and Loan Mod Officer

kalvincauthen@quickenloans.com

313-782-7080

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

6047050-3088675

AFTER RECORDING MAIL TO:
Homer and Julie Savard
30502 North 58th Street
Cave Creek, Arizona 85331

MAIL TAX STATEMENTS TO:
Homer and Julie Savard
30502 North 58th Street
Cave Creek, Arizona 85331

RECORDING REQUESTED BY:
Homer F. Savard
30502 North 58th Street
Cave Creek, Arizona 85331

# QUITCLAIM DEED

TITLE OF DOCUMENT

FOR A GOOD AND VALUABLE CONSIDERATION, I or we,

Homer F. Savard and Julie A. Savard, husband and wife as joint tenants with right of survivorship and not as tenants in common and not as community property, GRANTOR,

WHOSE mailing address is 30502 North 58th Street, Cave Creek, Arizona 85331,

DO HEREBY QUITCLAIM TO:

Homer F. Savard and Julie A. Savard, Trustees of the Savard Family Trust U/T/A dated December 1, 2000, as amended, GRANTEE,

WHOSE mailing address is 30502 North 58th Street, Cave Creek, Arizona 85331,

ALL RIGHT, title or interest to the real property located in the County of Maricopa, State of Arizona, described as follows:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

Site Address: 30502 North 58th Street
Cave Creek, Arizona 85331

Assessor's Parcel Number: 21145067C1

Prior Recorded Doc. Ref.: Deed: Recorded: _____; Book _____, Page _____, Doc. No. _____

EXEMPT: per A.R.S. §11-1134 B8

NOTE: Pursuant to A.R.S. 33-404, the names and addresses of the beneficiaries of "Savard Family Trust" are attached hereto in EXHIBIT "A" and by this reference made a part hereof.

SUBJECT TO Restrictions, Conditions, Covenants, Rights, Rights of Way, and easements now of record, if any.

WITNESS my/our hand(s), this 4 day of Aug, 2015.

Homer F. Savard

Julie A. Savard

STATE OF AZ )
ss
COUNTY OF Maricopa )

The foregoing instrument was acknowledged before me this 4 day of Aug 2015, 20____, by Homer F. Savard and Julie A. Savard.

NOTARY STAMP/SEAL

OFFICIAL SEAL
ABIGAIL A. PETTY
Commission #150777
Notary Public - State of Arizona
MARICOPA COUNTY
My comm. expires Dec. 22, 2015

Abigail A. Petty
Notary Public
My Commission Expires: 12-22-2015

Unofficial Document

EXHIBIT "A"
DISCLOSURE OF BENEFICIARIES

| | NAME | ADDRESS |
|---|---|---|
| 1. | Homer Savard | 30502 N 58th St., Cave Creek, AZ 85331 |
| 2. | Julie Savard | 30502 N 58th St. Cave Creek, AZ 85331 |
| 3. | | |
| 4. | | |
| 5. | | |

Unofficial Document

## EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 21145067C1

Land Situated in the County of Maricopa in the State of AZ

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

"The property address and tax parcel identification number listed are provided solely for informational purposes."

Commonly known as: 30502 N 58th St , Cave Cr[illegible]

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# PROOF OF OWNERSHIP

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ch

SPACE ABOVE THIS LINE FOR RECORDER'S USE

6047050-3088675

AFTER RECORDING MAIL TO:
Homer and Julie Savard
30502 North 58th Street
Cave Creek, Arizona 85331

MAIL TAX STATEMENTS TO:
Homer and Julie Savard
30502 North 58th Street
Cave Creek, Arizona 85331

RECORDING REQUESTED BY:
Homer F. Savard
30502 North 58th Street
Cave Creek, Arizona 85331

# QUITCLAIM DEED

TITLE OF DOCUMENT

FOR A GOOD AND VALUABLE CONSIDERATION, I or we,

Homer F. Savard and Julie A. Savard, husband and wife as joint tenants with right of survivorship and not as tenants in common and not as community property, GRANTOR,

WHOSE mailing address is 30502 North 58th Street, Cave Creek, Arizona 85331,

DO HEREBY QUITCLAIM TO:

Homer F. Savard and Julie A. Savard, Trustees of the Savard Family Trust U/T/A dated December 1, 2000, as amended, GRANTEE,

WHOSE mailing address is 30502 North 58th Street, Cave Creek, Arizona 85331,

ALL RIGHT, title or interest to the real property located in the County of Maricopa, State of Arizona, described as follows:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

Site Address: 30502 North 58th Street
Cave Creek, Arizona 85331

Assessor's Parcel Number: 21145067C1

Prior Recorded Doc. Ref.: Deed: Recorded: _____; Book _____, Page _____, Doc. No. _____

EXEMPT: per A.R.S. §11-1134 B8

NOTE: Pursuant to A.R.S. 33-404, the names and addresses of the beneficiaries of "Savard Family Trust" are attached hereto in EXHIBIT "A" and by this reference made a part hereof.

SUBJECT TO Restrictions, Conditions, Covenants, Rights, Rights of Way, and easements now of record, if any.

WITNESS my/our hand(s), this 4 day of Aug, 2015.

Homer F. Savard

Julie A. Savard

STATE OF AZ )
ss
COUNTY OF Maricopa )

The foregoing instrument was acknowledged before me this 4 day of Aug 2015, 20____, by Homer F. Savard and Julie A. Savard.

NOTARY STAMP/SEAL

OFFICIAL SEAL
ABIGAIL A. PETTY
Commission #150777
Notary Public - State of Arizona
MARICOPA COUNTY
My comm. expires Dec. 22, 2015

Notary Public
My Commission Expires: 12-22-2015

Unofficial Document

EXHIBIT "A"
DISCLOSURE OF BENEFICIARIES

| | NAME | ADDRESS |
|---|---|---|
| 1. | Homer Savard | 30502 N 58th St., Cave Creek, AZ 85331 |
| 2. | Julie Savard | 30502 N 58th St. Cave Creek, AZ 85331 |
| 3. | | |
| 4. | | |
| 5. | | |

Unofficial Document

# EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 21145067C1

Land Situated in the County of Maricopa in the State of AZ

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

"The property address and tax parcel identification number listed are provided solely for informational purposes."

Commonly known as: 30502 N 58th St , Cave Cr[Unofficial Document]1

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**WHEN RECORDED, MAIL TO:**

Jeff Schneidman, Esq.
Plattner, Schneidman,
Schneider & Jeffries, P.C.
9141 E. Hidden Spur Trail
Scottsdale, AZ 85255

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**WARRANTY DEED**

**This deed is being re-recorded solely for the purpose of adding the beneficiary's disclosure of the Grantee, as follows:**

***"Pursuant to A.R.S. &33-404, the Beneficiary of the Savard Family Trust U/T/A dated December 1, 2000, as amended, is Julie A. Savard, whose address is 8215 E. Raintree Road, Scottsdale, AZ 85260".**

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150502957 07/13/2015 03:45
ELECTRONIC RECORDING

037070100JSK071315-2-1-1--
Palumboa

**MAIL TAX STATEMENTS TO:**

SAVARD FAMILY TRUST
30502 N. 58th Street
Cave Creek, AZ 85331

**WHEN RECORDED, MAIL TO:**

Jeff Schneidman, Esq.
Plattner, Schneidman,
Schneider & Jeffries, P.C.
9141 E. Hidden Spur Trail
Scottsdale, Arizona 85255

AFFIDAVIT EXEMPT PURSUANT TO A.R.S. §11-1134(A)(7)

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# WARRANTY DEED

Unofficial Document

For the consideration of Ten Dollars, and other valuable consideration, Anna Mae Brannon (formerly known as Anna Mae Barrington) Trustee of the ANNA MAE BARRINGTON REVOCABLE LIVING TRUST U/T/A dated October 21, 1993, as amended, who took title as Annamae Brannon, formally before marriage, Annamae Barrington, as Trustee of the REVOCABLE LIVING TRUST OF ANNAMAE BARRINGTON, dated October 21, 1993, does hereby convey to Julie A. Savard, Trustee of the SAVARD FAMILY TRUST U/T/A dated December 1, 2000, as amended, as her sole and separate property, the following real property situated in Maricopa County, Arizona:

The Northwest quarter of the Northeast quarter of the Northwest quarter of the Southwest quarter of Section 21, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT all coal, oil, gas and other mineral deposits, as reserved in the Patent.

Subject to current taxes and assessments, reservations and all easements, rights of way, covenants, conditions, restrictions, liens, encumbrances, obligations and liabilities of record.

And Grantor hereby warrants the title against all persons whomsoever subject to the matters above set forth.

**[Signatures on Following Page]**



http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=146374 [20150502957] 3 Pages

Dated this 13th day of July, 2015.

Anna Mae Brannon

Anna Mae Brannon (formerly known as Anna Mae Barrington) Trustee of the ANNA MAE BARRINGTON REVOCABLE LIVING TRUST U/T/A dated October 21, 1993, as amended

STATE OF ARIZONA )
) ss.
County of Maricopa )

This instrument was acknowledged before me this 13th day of July, 2015, by Anna Mae Brannon.

Notary Public

Unofficial Document

My Commission Expires:

08/15/2018

BIANCA M. RODRIGUEZ
Notary Public - Arizona
Maricopa County
Expires 08/15/2018

Pursuant to A.R.S. §33-404, the Beneficiary of the Anna Mae Barrington Revocable Living Trust U/T/A dated October 21, 1993, as amended, is Anna Mae Brannon, whose address is 30502 N. 58th Street, Cave Creek, Arizona 85331.

*



http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=146374 [20150502957] 3 Pages

Unofficial Document

20150502957
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

The foregoing instrument is an **electronically prepared** full, true and correct copy of the original record in this office.
Attest: 08/14/2015 09:48:23 AM

By _____ Recorder

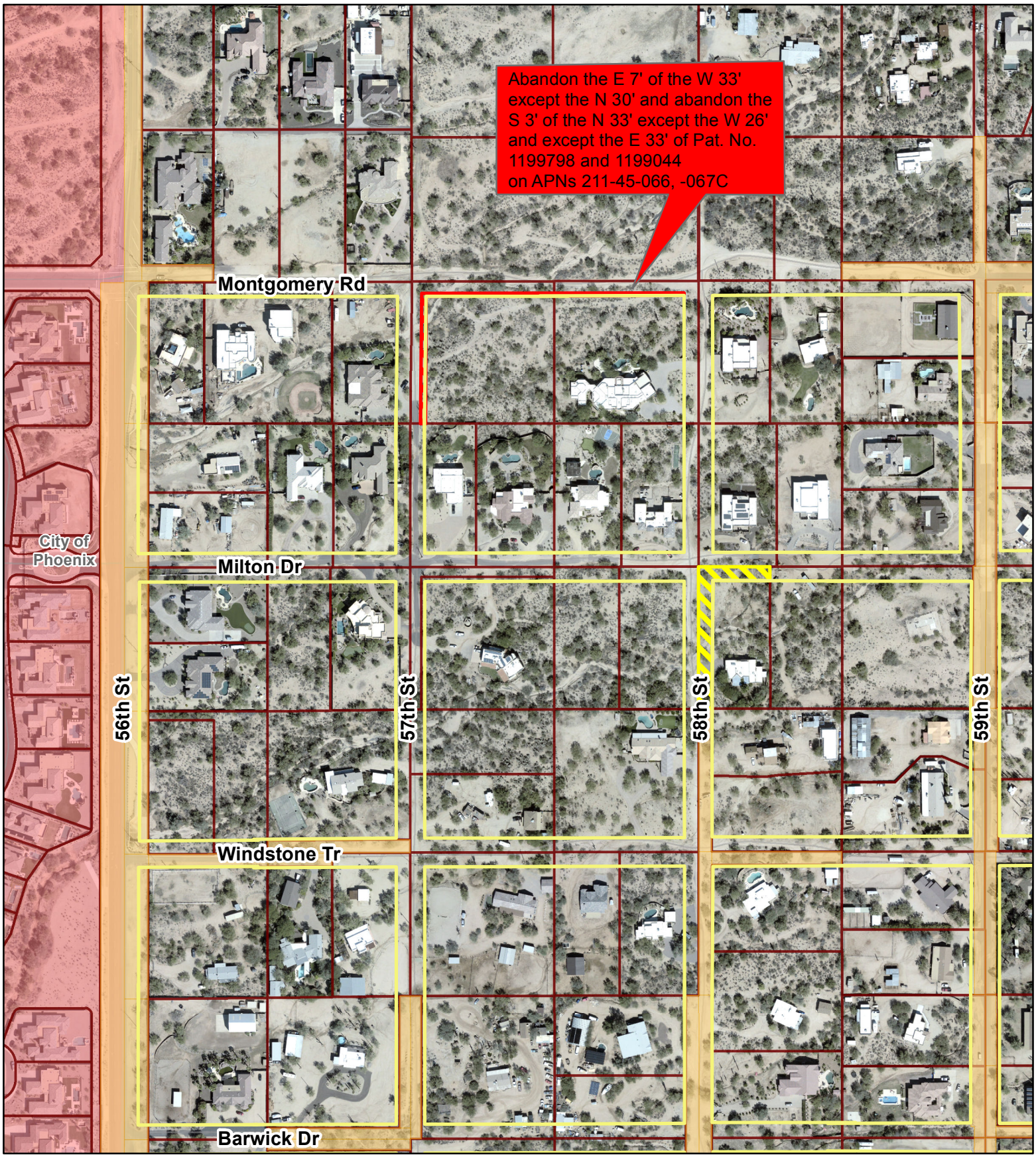
To Verify this purchase visit
http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=146374

http://recorder.maricopa.gov/recdocdata/verifycert.aspx?id=146374 [20150502957] 3 Pages

# AERIAL EXHIBIT

# PAB-0129

APN: 211-45-066, -067C
Date: 6/24/2020



# INITIAL

# DETERMINATION

# REQUEST

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

RECEIVED
MAR - 4 2020
By

# PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

## Contact Information

**Applicant Name:** Homer and Julie Savard

**Mailing Address:** 30502 N 58th Street

**City:** Cave Creek **State:** AZ **Zip:** 85331

**Phone** (602) - 363 - 5703 **Email:** homersavard@aol.com

## Parcel Detail

**Assessor's Parcel Number:** 211 - 45 - 066

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

and 211-45-067C
30502 N 58th Street Cave Creek AZ 85331

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

Patent
~~Abandon 10' of the 40' PUE Easment on the North side of parcels 211-45-066 and 211-45-067C along Montgomery Rd.~~ JM

Abandon easements on the north and west boundaries of APN 211-45-066 and abandon easements on north and east boundaries of APN 211-45-067C (JM 3/4/20, per applicant request)

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

Julie A Savard 3/4/2020

**Signature of Applicant** **Date**

## Maricopa County Use Only

**PAB Number:** _____

**Initial Determination Fee*: $250.00**

PAID
March 4, 2020

CC#
Check #: 3776938586
#100202

Total Received: $250.00 Date: 3-4-2020 Rec'd By:

* 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 W. Durango Street Phoenix, AZ 85009

Permit Receipt

**Payer Name:**

HOMER SAVARD

30502 N 58TH ST

CAVE CREEK, Arizona 85331

**Receipt #:** 100202

**Payment Date:** 3/4/2020

**Reference #:** APN: 211-45-066

**Receipt Type:** Patent Easements

**Payment Items**

| Description | Payment Type | Transaction # | Amount |
|---|---|---|---|
| PAB 211-45-066 | Credit Card | 3776938586 | $250.00 |
| | | **Total:** | $250.00 |

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 : HOMER SAVARD

Reference Number : APN: 211-45-006

| Product | Description | Payment Amount |
|---|---|---|
| Patent Easements | 1 | $250.00 |
| | Payment Amount: | $250.00 |

**Receipt Number:** 3776938586

**Transaction Date:** 03/04/2020 02:30 PM

**Payment Type:** VISA

**Account Number:** *6098

x_____

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

# LEGAL DESCRIPTION

# AND EXHIBIT

LEGAL DESCRIPTION
PAB-0129

EXHIBIT “A”

Assessor Parcel No’s. 211-45-066 & 067C

That portion of the easements described in Patent numbers 1199798 & 1199044, lying in the N2 NE4 NW4 SW4 of Section 21 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

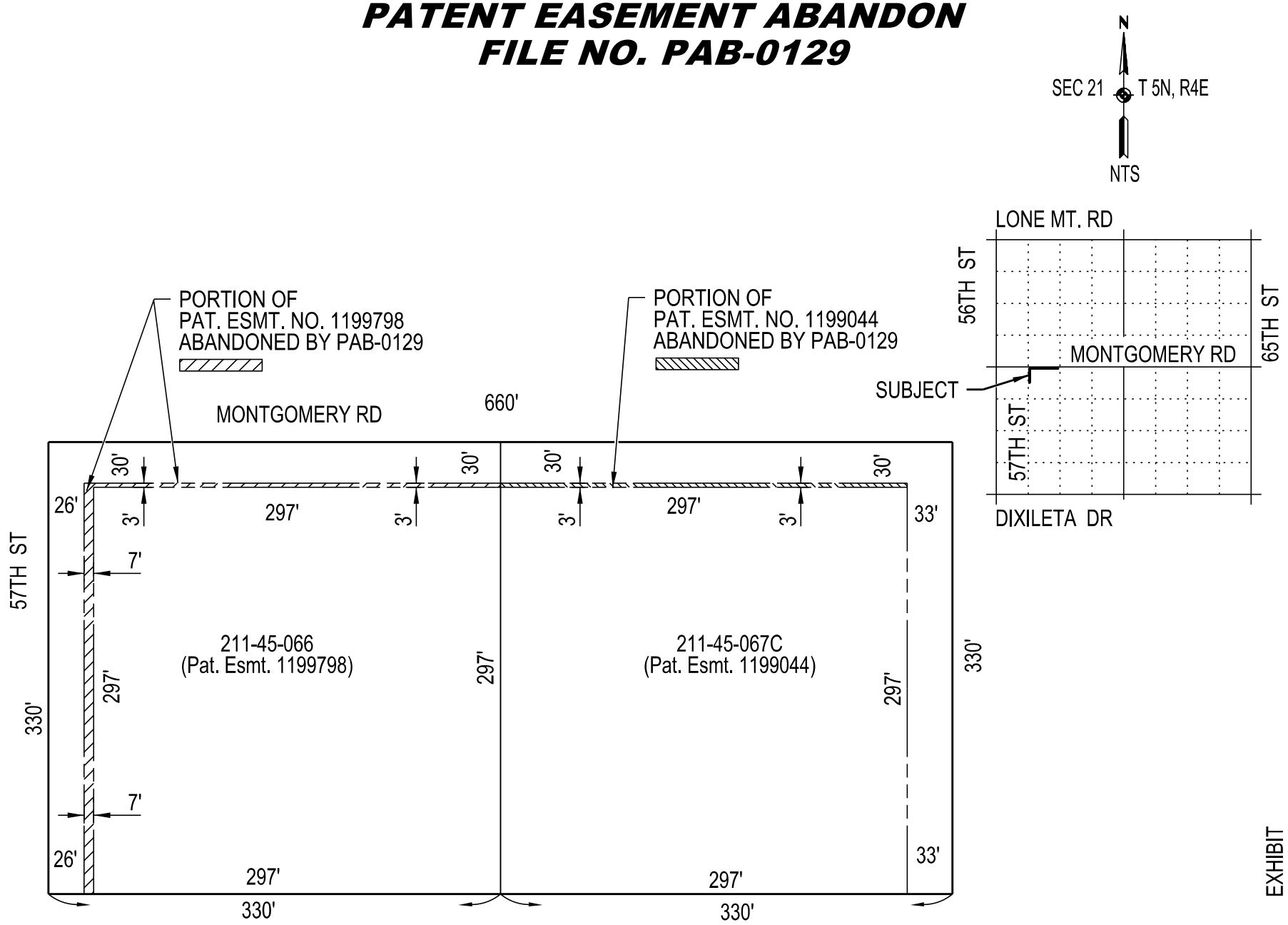
APN. 211-45-066 (Pat. Esmt. 1199798)

The South 3 feet of the North 33 feet; EXCEPT the West 26 feet, thereof and
The East 7 feet of the West 33 feet; EXCEPT North 33 feet, thereof.

APN. 211-45-067C (Pat. Esmt. 1199044)

The South 3 feet of the North 33 feet; EXCEPT the East 33 feet, thereof.

# PATENT EASEMENT ABANDON
# FILE NO. PAB-0129




EXHIBIT

**MARICOPA COUNTY - REAL ESTATE DIVISION**

Section 21, T5N, R4E

W.O. No. P00102

Sheet 1 of 1