



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0138 Federal Patent Easement Abandonment

Meeting Date: October 7, 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 at an unassigned address south of 48010 North 41st Avenue, New River, Arizona 85087 and being identified as Assessor Parcel Number 202-12-054B.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the East 25 feet of the West 50 feet, EXCEPT North 25 feet and South 25 feet thereof; and the South 25 feet of the North 50 feet, EXCEPT the West 50 feet thereof; and the North 25 feet of the South 50 feet, EXCEPT the West 50 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 May 2020, and results sent to the applicant in June 2020. The Application was circulated in review in July 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: City of Phoenix Water Services Department, Arizona Public Service, and Southwest Gas.

Agency – No Objection: Arizona State Land Department, and City of Phoenix Street Transportation 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

Contact Information

Applicant Name: Property Pros AZ LLC PAB Number: PAB-0138
Mailing Address: 515 E Carefree Hwy 481
City: Phoenix State: AZ Zip: 85085
Phone (602) 931 1839 Email: palmerteam@live.com

Parcel Detail

Assessor's Parcel Number: 202 12 054B

- 1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
Approx 4121 W Sunset Dr., New River, AZ 85087
2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
Reduce N easement to 25 ft, reduce W easement to 25 ft, reduce S easement to 25 ft
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, REBECCA PALMER 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 8th day of July, 2020
Rita E. Joslin
Notary Public

My Commission Expires: 7-10-2021



Signature of Applicant: Rebecca Palmer

Signature

Date: 7/8/2020

Maricopa County Use Only

Application Fee*: \$1,600
Check #: 100312 Total Received: \$1350.00 Date: 10 July 2020 Rec'd By: [Signature]

*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:

Rebecca Palmer / Property Pro AZ LLC
515 E Carefree Hwy 481
Phoenix , Arizona 85085

Receipt #:

100312

Payment Date:

7/10/2020

Reference #:

APN 202-12-054B / PAB
0138

Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
PATENT EASEMENT ABANDONMENT // PROPERTY PROS AZ LLC	Credit Card	3785293083	\$1,350.00
Total:			\$1,350.00



MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID : BPerez

Customer Name : PROPERTY PRO AZ LLC / REBECCA PALMER

Reference Number : APN 202-12-054B // PAB 0138

Product	Description	Payment Amount
Patent Easements	1	\$1,350.00
		Payment Amount: \$1,350.00

Receipt Number: 3785293083

Transaction Date: 07/10/2020 02:03 PM

Payment Type:



Account Number: *1243

Rebecca Palmer

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

PROOF OF OWNERSHIP

RECORDING REQUESTED BY
OLD REPUBLIC TITLE AGENCY

ORDER #: 4715007979

WHEN RECORDED MAIL TO

Property Pros AZ, LLC, Stefanie M. Bearnson
3217 E Shea Blvd Ste 505
Phoenix, AZ 85028

13
am

SPACE ABOVE THIS LINE FOR RECORDER'S USE

2/3

WARRANTY DEED

For valuable consideration, receipt of which is hereby acknowledged G4-2017, LLC, an Arizona limited liability company

Do hereby convey to Property Pros AZ, LLC, an Arizona limited liability company

the following real property situated in Maricopa County, Arizona:

See "Exhibit A" attached hereto and made a part hereof.

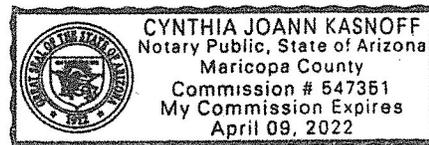
SUBJECT TO existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

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

Dated: April 7, 2020

G4-2017, LLC, an Arizona limited liability company by, MJ2 Holdings, LLC, an Arizona limited liability company as Member by, the DeMore Living Trust, dated January 5, 2012 as Member

By: [Signature]
Michael DeMore, Trustee



State of Arizona
County of Maricopa

The foregoing instrument was acknowledged before me this 8 day of April, 2020 by Michael DeMore, Trustee of the DeMore Living Trust, dated January 5, 2012 as Member of MJ2 Holdings, LLC, an Arizona limited liability company as Member of G4-2017, LLC an Arizona limited liability company, on behalf of the limited liability company.

[Signature]
Notary Public

ORDER NO. : 4715007979

EXHIBIT A

The West half of the Southeast quarter of the Northwest quarter of the Southwest quarter of Section 27, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Unofficial Document

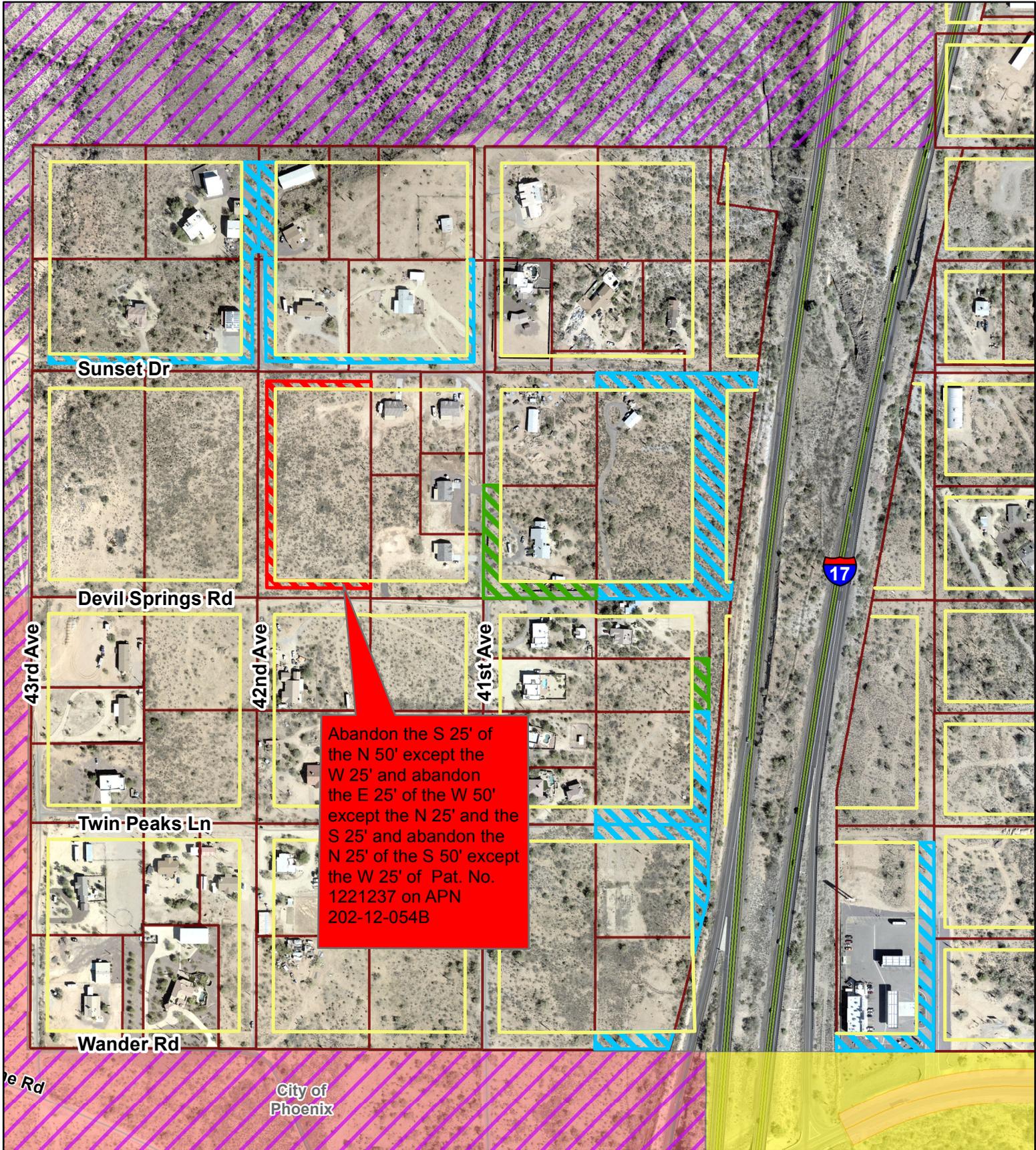
AERIAL EXHIBIT

PAB-0138

APN: 202-12-054B

Date: 7/13/2020

Legend			
	Current PAB		Patent Easement Boundary
	Lapsed		Right of Way
	Pending		Parcel boundary
	Abandoned		City of Phoenix
			State Trust
			BLM



**INITIAL
DETERMINATION
REQUEST**



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: Property Pros AZ LLC

Mailing Address: 515 E Carefree Hwy 481

City: Phoenix State: AZ Zip: 85085

Phone (602) - 931 - 1839 Email: palmerteam@live.com

Parcel Detail

Assessor's Parcel Number: 202 - 12 - 054B

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

Approx 4121 W Sunset Drive, New River, AZ 85087

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

Review all easements for possible reduction on the north and south side of 202-12-054B and Abandon 50 ft Easement on the West side of 5 acre parcel 202-12-054B Formerly known as 202-12-054A

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

Rebecca Palmer Signature of Applicant

Stefanie Bearnson

05-05-2020 Date

Maricopa County Use Only

PAB Number:

Initial Determination Fee*: \$250.00

CC Check #: 3781325828

Total Received: 250.00

Date: 5-7-2020 Rec'd By: [Signature]

PAID

May 7, 2020

* 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:

REBECCA PALMER
515 E CAREFREE HWY 481
PHX, Arizona 85085

Receipt #:

100264

Payment Date:

5/7/2020

Reference #:

APN: 202-12-054B

Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
APN: 202-12-054B	Credit Card	3781325828	\$250.00
Total:			\$250.00



MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID : A. RAMIREZ

Customer Name : REBECCA PALMER

Reference Number : APN: 202-12-054B

Product	Description	Payment Amount
Patent Easements	1	\$250.00
		Payment Amount: \$250.00

Receipt Number: 3781325828

Transaction Date: 05/07/2020 03:08 PM

Payment Type:



Account Number: *1243

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-0138

EXHIBIT "A"

Assessor Parcel No. 202-12-054B

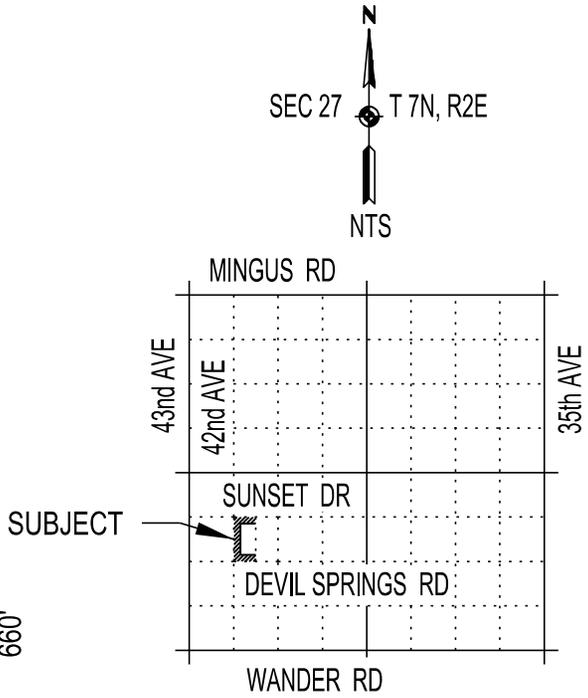
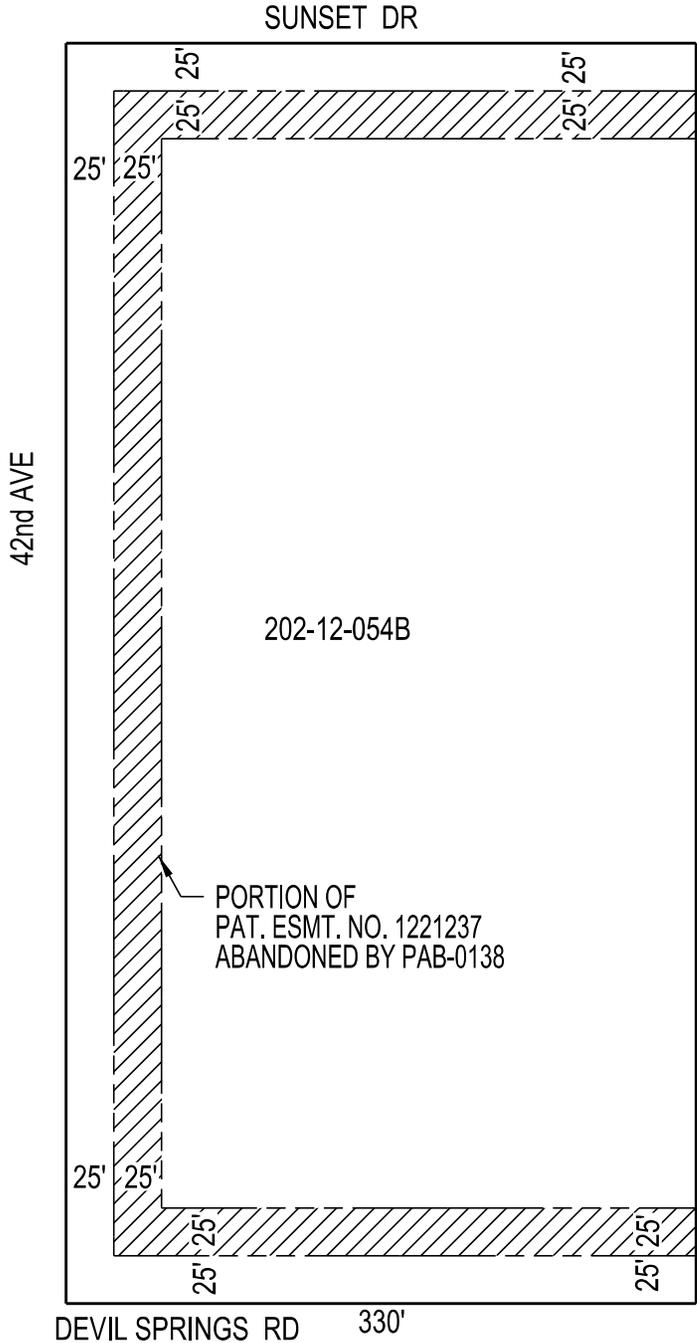
That portion of the easement described in Patent 1221237, lying in the W2 SE4 NW4 SW4 of Section 27 – T7N, R2E of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

the East 25 feet of the West 50 feet, EXCEPT North 25 feet and South 25 feet thereof;
and

the South 25 feet of the North 50 feet, EXCEPT the West 50 feet thereof; and

the North 25 feet of the South 50 feet, EXCEPT the West 50 feet thereof.

PATENT EASEMENT ABANDON - FILE NO. PAB-0138



Section 27, T7N, R2E
W.O. No. P00102

EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION