Report to the Board of Supervisors
Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0180 Federal Patent Easement Abandonment

Meeting Date: January 12, 2022

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 an unassigned address west of 6718 East Ocupado Drive, Cave Creek, Arizona 85331 and being identified as Assessor Parcel Number 216-50-052A.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the East 20 feet of the West 33 feet of the W2 SW4 SE4 NE4 NW4 of said Section 15 EXCEPT the South 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 August 2021, and results sent to the applicant in September 2021. The Application was circulated in review in October 2021. The following responses were received:

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


Agency – No Objection: City of Scottsdale and City of Phoenix.

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
PATENT EASEMENT ABANDONMENT APPLICATION

Contact Information

Applicant Name: Michael & Kimberly Mayerhoffer  PAB Number: 0180
Mailing Address: 37218 N. Conestoga Trl., Unit A
City: Cave Creek  State: AZ  Zip: 85331
Phone (623) 695-1955  Email: themayer@blue-collarfighter.com

Parcel Detail

Assessor's Parcel Number: 216 - 50 - 052A

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   0 ocupado dr / near ocupado 20 & 68th st

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   abandon easement bordering the west side of parcel 216-50-052A

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, Michael Mayerhoffer, 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 6th day of October, 2021

   Signature of Applicant

   Date

   Signature

   10-6-21

Maricopa County Use Only

Application Fee*: $1,600
Check #: 287/110713  Total Received: $1,350.00  Date: 07 Oct 2021  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 payble to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
Payer Name: KIMBERLY MAYERHOFER / MICHAEL DONALD MAYERHOFER
31440 N 44TH ST
CAVE CREEK, Arizona 85331-5429

Receipt #: 100783
Payment Date: 10/7/2021
Reference #: APN 216-60-052A / PAB 0180
Receipt Type: Patent Easements

Payment Items

<table>
<thead>
<tr>
<th>Description</th>
<th>Payment Type</th>
<th>Transaction #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PATENT EASEMENT ABANDONMENT APPLICATION // MICHAEL &amp; KIMBERLY MAYERHOFER / PAB 0180</td>
<td>Check</td>
<td>282</td>
<td>$1,350.00</td>
</tr>
</tbody>
</table>

Total: $1,350.00
PROOF OF OWNERSHIP
Recording Requested By: 
Equity Title Agency, Inc.

AFTER RECORDING, RETURN TO: 
Michael D. Mayerhofer and Kimberly M. Mayerhofer 
31440 N 44th Street 
Cave Creek, AZ 85331

ESCROW No. 02542327 -025 LFA 
4 - 2 -1

Warranty Deed 
FROM OR TO TRUST

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

Jeffrey E. DeLeeuw and Debra Connell DeLeeuw, Trustees under that certain Revocable Living Trust Agreement dated July 10, 2001

do/does hereby convey to

Michael D. Mayerhofer and Kimberly M. Mayerhofer, husband and wife

the following real property situated in MARICOPA County, ARIZONA:

The West half of the Southwest quarter of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 15, 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 other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

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

Names and Addresses for Beneficiaries of the above noted Trust are attached on Trust Certification

Dated: 07/28/2021
SELLER(S):

Revocable Living Trust Agreement dated July 10, 2001

[Signature]

By Jeffrey E. DeLeeuw, Trustee

Debra Connell DeLeeuw, Trustee

STATE OF ARIZONA

COUNTY OF YAVAPAI

This instrument was acknowledged before me this 29 day of July, 2021 by Jeffrey E. DeLeeuw and Debra Connell DeLeeuw, Trustees under that certain Revocable Living Trust Agreement dated July 10, 2001

[Signature]

Notary Public

My commission will expire 10/2/21
TRUST CERTIFICATION

DATE: July 28, 2021

TO: Equity Title Agency, Inc.
Re: Trust Agreement dated July 10, 2001, the complete name of which is: Jeffrey E. DeLeeuw and Debra Connell DeLeeuw. Trustees under that certain Revocable Living Trust Agreement dated July 10, 2001, made under the laws of the State of Arizona by Jeffrey E. DeLeeuw and Debra Connell DeLeeuw

The undersigned certify to you that as of the date hereof:

1. The above Trust Agreement has not been revoked and is in full force and effect.
2. The following are now acting as Trustees under the Trust Agreement and are the only Trustees qualified to act:
   Jeffrey E. DeLeeuw and Debra Connell DeLeeuw
3. The successor Trustee(s) under said Trust Agreement are as follows:
   Amy May Woods
4. The Trust Agreement has not been amended except as follows:
   n/a
5. If applicable, the attached copy of the Trust document, or portion of the Trust document, is a true copy of the original which is in our possession and the attached copies of the amendments set forth in Item 4 are true copies of the originals which are in our possession.
6. The Beneficiaries for the above referenced trust are:
   Jeffrey E. DeLeeuw and Debra Connell DeLeeuw – 5326 W Waltann Lane Glendale AZ 85306

[Signatures]

STATE OF ARIZONA
COUNTY OF YAVAPAI } SS:

Acknowledged, subscribed and sworn to before me on July 29, 2021 by: Jeffrey E. DeLeeuw and Debra Connell DeLeeuw, Trustees under that certain Revocable Living Trust Agreement dated July 10, 2001

My commission expires 10/2/21

[Notary Seal]
Acceptance of Community Property
with Right of Survivorship

Escrow #: 02542327-025-LFA

Michael D. Mayerhofer and Kimberly M. Mayerhofer, husband and wife each being first duly sworn upon oath each for himself or herself and jointly but not one for the other deposes and says,

THAT I am one of the Grantees named in that certain Deed attached hereto and which is dated 07/28/2021, and executed by Jeffrey E. DeLeeuw and Debra Connell DeLeeuw, Trustees under that certain Revocable Living Trust Agreement dated July 10, 2001, as Grantors, to Michael D. Mayerhofer and Kimberly M. Mayerhofer, as Grantees, and which conveys certain premises described as:

The West half of the Southwest quarter of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 15, 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.

To the Grantees named therein, not as Tenants in Common, not as Community property Estate, not as Joint Tenants with full right of Survivorship, but as Community Property with full right of Survivorship.

THAT each of us individually and jointly as Grantees hereby assert and affirm that it is our intention to accept said conveyance as such Community Property with full right of Survivorship and to acquire any interest we may have in said premises under the terms of said Deed as community property with right of survivorship.

Dated 7-28-21

Michael D. Mayerhofer

Kimberly M. Mayerhofer

STATE OF ARIZONA
County of Maricopa

This instrument was acknowledged before me on July 28, 2021 by Michael D. Mayerhofer and Kimberly M. Mayerhofer

Notary Public
My commission will expire Sept 27 2024

ACPTCP
AERIAL EXHIBIT
Abandon the E20' of the W33' except the S33' of Pat. No. 1198646 on APN 216-50-052A
INITIAL

DETERMINATION

REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Bella Legacy Custom Homes, LLC

Mailing Address: 20715 N Pima Rd Ste 108
City: Scottsdale State: AZ Zip: 85255
Phone (480) - 241 - 4406 Email: Sean@BellaLegacy.com

Parcel Detail

Assessor’s Parcel Number: 216 - 50 - 052A
1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   No address assigned but located at 68th St & E Ocupado Rd, Cave Creek Az 85331

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandon 33’ easements located along west and south side of property parcel 216-50-052A.

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

Signature of Applicant 8/19/2021 Date

Maricopa County Use Only

PAB Number: 216 - 50 - 052A
Initial Determination Fee*: $250.00
Check #: 3812857409 Total Received: $250.00 Date: 8/23/21 Rec’d By: CR

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

Thank you for your payment.

Please print this receipt and keep it for your records.

<table>
<thead>
<tr>
<th>Clerk ID</th>
<th>RHODESC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Name</td>
<td>SEAN BONINI</td>
</tr>
<tr>
<td>Reference Number</td>
<td>APN: 216-50-052A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Product</th>
<th>Description</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patent Easements</td>
<td>1</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Payment Amount: $250.00

Receipt Number: 3812857409
Transaction Date: 08/23/2021 12:29 PM
Payment Type: Visa

Account Number: *3167

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.
Maricopa County Department of Transportation  
2901 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

Payer Name:  
SEAN BONINI  
20715 N PIMA RD  
SCOTTSDALE, Arizona 85255

Receipt #: 100718  
Payment Date: 8/23/2021  
Reference #: APN: 216-50-052A  
Receipt Type: Patent Easements

<table>
<thead>
<tr>
<th>Description</th>
<th>Payment Type</th>
<th>Transaction #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>INITIAL DETERMINATION // APN: 216-50-052A // 1 X $250.00</td>
<td>Credit Card</td>
<td>3812857409</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Total: $250.00
LEGAL DESCRIPTION

AND EXHIBIT
Assessor Parcel No. 216-50-052A

That portion of the easement described in Patent 1198646, lying in the Northwest quarter of Section 15 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East 20 feet of the West 33 feet of the W2 SW4 SE4 NE4 NW4 of said Section 15 EXCEPT the South 33 feet thereof.
Easement 1198646
except the S33' of Patent Easement 1198646

Area of Abandon

The E20' of the W33'

Subject Parcel

APN: 216-50-052A

APN: 216-50-052B

33' Patent Easement 1198646

33' Patent Easement 1198646