Case #/Title: PAB-0176 Federal Patent Easement Abandonment

Meeting Date: January 12, 2022

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 west of 1648 West Briles Road, Phoenix, Arizona 85085 and being identified as Assessor Parcel Number 210-11-005J.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the East 23 feet of the West 33 feet of the following described property: That part of lot G.L.O. Lot 19, lying within the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, G.L.O. Lot 19 being shown on Bureau of land management Supplemental Plat of Section 6, officially filed December 28th, 1954, being more particularly described as follows: The South 526.00 feet of G.L.O. Lot 19 of said Section 6; EXCEPT the East half thereof; and EXCEPT the South 262.00 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 July 2021, and results sent to the applicant in July 2021. The Application was circulated in review in August 2021. The following responses were received:

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

Agency – No Objection: Arizona State Land Department, 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: Ryan Gerdes  
Mailing Address: 1326 W Puget Ave.  
City: Phoenix  
State: AZ  
Zip: 85021  
Phone: (602) - 358 - 5001  
Email: rgerdes@azrecongroup.com

Parcel Detail

Assessor’s Parcel Number: 210 - 11 - 005J

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   No physical address has been assigned. 260 feet North of Briles, East side of 17th Ave.

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Easement beginning on SW corner of parcel running to the NW corner of parcel.

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, Ryan Gerdes, 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

26th day of August, 2021

Jonathan Colvin
Notary Public

My Commission Expires: 9-4-2021

Signature of Applicant

Date

Maricopa County Use Only

Application Fee*: $1,600  
Check #: 100719

Total Received: $1,600  
Date: 26/08/2021  
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 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: RYAN GERDES / CHRISTINE E GERDES  
            1326 W PUGET AVE  
            PHOENIX, Arizona 85021-4477
Receipt #: 100719
Payment Date: 8/26/2021
Reference #: PAB 0176 / APN 210-11-005J
Receipt Type: Patent Easements

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July 26, 2021

Ryan Gerdes
1326 West Puget Avenue
Phoenix, Arizona 85021

Subject: PAB-0176 Initial Determination Review Results Letter

Dear Mr. Gerdes,

The Maricopa County Department of Transportation (MCDOT) has completed the Initial Determination review for potential abandonment of the Federal Patent Easement on the property identified as Assessor Parcel Number 210-11-005J, tracking number PAB-0176. MCDOT has received the following responses:

MCDOT: MCDOT Systems Planning objects to the abandonment as requested but would have no objection to abandonment of the east 23 feet of the Western 33-foot Patent Easement, reserving 10 feet for local access for the parcels to the north. This is in accordance with the Patent Easement abandonments previously approved for the parcels to the west of this parcel, to retain a total of 20 feet for access north of Briles Road.

County Departments: No objection.

Utilities: Arizona Public Service (APS) objects to the abandonment as requested, but would have no objection to abandonment of the east 23 feet of the Western 33-foot Patent Easement, reserving 10 feet. Please contact James Generoso for additional information on this objection (james.generoso@aps.com).

Agencies: No objection.

No response has been received from City of Phoenix Street Transportation Department or Bureau of Reclamation as of July 26, 2021. If a response is received after the date of this letter, you will be notified.

NOTE: Be advised, reviewing agencies are not required to respond in the Initial Determination Phase. Additionally, all reviewing entities reserve the right to change their original review position, which may affect the final recommendation on the application.

Maricopa County Ordinance P-34, Section 5d, states that no abandonment of a Patent Easement can occur over objection from any utility.
To avoid extended review and/or additional fees the Application for PAB-0176 must be filed by January 26, 2022. Please contact MCDOT staff, as indicated below, with any questions or concerns.

The next step in the Patent Easement Abandonment process is to submit the Application. More information on the Patent Easement Abandonment Application can be found on the MCDOT website (https://www.maricopa.gov/775/Abandonment-of-Patent-Easements). Please contact me as indicated below with any additional questions.

Sincerely,

Jessica Brinton
Jessica Brinton, Planner
Maricopa County Department of Transportation
Phone: 602-506-4178
Email: Jessica.Brinton@Maricopa.gov
August 10, 2021

Ryan Gerdes  
1326 West Puget Avenue  
Phoenix, Arizona 85021

Subject: PAB-0176 Update to the Initial Determination Review Results Letter

Dear Mr. Gerdes,


The July 26 review conclusion letter noted that a response had not yet been received from the City of Phoenix Street Transportation Department or Bureau of Reclamation. MCDOT has since received the following response from the City of Phoenix Street Transportation Department:

Agencies: The City of Phoenix Street Transportation Department objects to the abandonment as requested. The City would not object to abandonment of the eastern 18 feet of the Western 33-foot Patent Easement, retaining 15 feet for access to the properties to the north. If the northern property owners release the access to their properties on the existing Patent Easement, then the City would have no objection. Please contact Bruce Littleton for additional information on this objection (bruce.littleton@phoenix.gov).

There are no changes to the other results described in the original letter. No response has been received from the Bureau of Reclamation as of August 10, 2021. If a response is received after the date of this letter, you will be notified.

NOTE: Be advised, reviewing agencies are not required to respond in the Initial Determination Phase. Additionally, all reviewing entities reserve the right to change their original review position, which may affect the final recommendation on the application.
The next step in the Patent Easement Abandonment process is to submit the Application. More information on the Application phase and the Patent Easement Abandonment Application can be found on the MCDOT website: https://www.maricopa.gov/775/Abandonment-of-Patent-Easements. Please contact me as indicated below with any additional questions.

Sincerely,

Jessica Brinton
Jessica Brinton, Planner
Maricopa County Department of Transportation
Phone: 602-506-4178
Email: Jessica.Brinton@Maricopa.gov
PROOF OF OWNERSHIP
WHEN RECORDED MAIL TO:

Christopher Gallatin  
Jerr! J. Gallatin  
6780 Evergreen Terrace  
Peoria, AZ. 85383

DO NOT REMOVE THIS COVER SHEET. IT IS NOW PART OF THE RECORDED DOCUMENT.

DOCUMENT TO BE RECORDED:

Warranty Deed & Acceptance of Community Property with Right of Survivorship

This deed is being re-recorded for the sole purpose of adding the Acceptance of Community Property with Right of Survivorship.
RECORDING REQUESTED BY
Title Management Agency of
Arizona LLC
AND WHEN RECORDED MAIL TO:
CHRISTOPHER GALLATIN
1650 WEST BRILES ROAD
PHOENIX, AZ 85027

ESCROW NO.: 20112282 - 002 - DT

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20110655788 08/05/2011 04:35
ELECTRONIC RECORDING
1312587161755-2-3-1--
Tomutac

Warranty Deed
For Ten Dollars, and other valuable consideration, I or we,
CORNERBANK, N.A.
do/does hereby convey to
Christopher Gallatin and Jerri J. Gallatin, husband and wife
the following real property situated in Maricopa County, ARIZONA:
See Exhibit A attached hereto and made a part hereof.

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

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

Dated 8/4/2011

SELLER:
CORNERBANK, N.A.

BY: Douglas T. Dawson

Its: President

State of Kansas } ss:
County of Douglas } ss:

On August 4, 2011 before me, the undersigned, a Notary Public, personally
appeared Douglas T. Dawson, who acknowledged to be the President of Cornerstone Bank N.A.
an that as such being authorized so to do, executed the foregoing instrument for the purposes
therein contained, by signing on behalf of Cornerstone Bank N.A.

WITNESS my hand and official seal.

Signature Ruby Lathrom

NOTARY PUBLIC - State of Kansas
SHELBY LATHROM
My Appl. Expires 11-20-2014
ESCROW NO.: 20112282

Acceptance of Community Property with Right of Survivorship

Christopher M. Gallatin and Jerri J. Gallatin, 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 to which this is attached and which is dated September 28, 2010 , and executed by CORNERBANK, N.A., as Grantors, to Christopher M. Gallatin and Jerri J. Gallatin, as Grantees, and which conveys certain premises described therein.

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 September 28, 2010

Christopher M. Gallatin

Jerry J. Gallatin

State of ARIZONA
County of Maricopa

On August 4, 2011 before me, the undersigned, a Notary Public, personally appeared Christopher M. Gallatin & Jerry J. Gallatin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Signature

[Official Seal]
Parcel No. 1:

That part of Lot 19, lying within the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, Lot 19 being shown on Bureau of Land Management Supplemental Plat of said Section 6, officially filed December 28th, 1954, being more particularly described as follows:

The South 526.00 feet of Lot 19 of said Section 6.

EXCEPT the East half thereof; and

EXCEPT the South 262.00 feet thereof.

Parcel No. 2:

That part of Lot 19, lying within the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, Lot 19 being shown on Bureau of Land Management Supplemental Plat of said Section 6, officially filed December 28th, 1954, being more particularly described as follows:

The South 526.00 feet of Lot 19 of said Section 6.

EXCEPT the East half thereof; and

EXCEPT the North 264.00 feet thereof.

Parcel No. 3:

That part of Lot 19, lying within the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, Lot 19 being shown on Bureau of Land Management Supplemental Plat of said Section 6, officially filed December 28th, 1954, being more particularly described as follows:

The South 526 feet of Lot 19 of said Section 6.

EXCEPT the West half thereof; and

EXCEPT the North 264.00 feet thereof.
AERIAL EXHIBIT
Abandon the E23' of the W33' of Pat. No. 1150147 on APN 210-11-005J

Legend
- Current PAB
- Lapsed
- Pending
- Abandoned
- Patent Easement Boundary
- Right of Way
- Parcel boundary

City of Phoenix

19th Ave
17th Ave
Quartz Rock Rd
Briles Rd
Jomax Rd
INITIAL

DETERMINATION

REQUEST
**PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION**

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<tr>
<td>Applicant Name: Ryan Gerdes</td>
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<tr>
<td>Mailing Address: 1326 W Puget Ave.</td>
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<tr>
<td>City: Phoenix</td>
</tr>
<tr>
<td>Phone (602) - 358 - 5001</td>
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1. **Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)

   No physical address has been assigned yet. Southwest corner of property is approximately 260 feet North of Briles on the East side of 17th Avenue. Phoenix, AZ 85085.

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

   Patent easement runs from Southwest corner of property along the entire length of the western border to the Northwest corner of the property.

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.

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<td>Signature of Applicant</td>
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* 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.

Clerk ID : BPEREZ
Customer Name : RYAN M GERDES
Reference Number : APN 210-11-005J

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Payment Type: VISA
Account Number: [Redacted]

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: RYAN GERDES  
1326 W PUGET AVE  
PHOENIX , Arizona 85021  
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Reference #: APN 210-11-005J  
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Total: $250.00
LEGAL DESCRIPTION

AND EXHIBIT
Assessor Parcel No. 210-11-005J

That portion of the easement described in Patent 1150147, lying in the Northwest quarter of Section 6 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The East 23 feet of the West 33 feet of the following described property:

That part of lot G.L.O. Lot 19, lying within the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, G.L.O. Lot 19 being shown on Bureau of land management Supplemental Plat of Section 6, officially filed December 28th, 1954, being more particularly described as follows:

The South 526.00 feet of G.L.O. Lot 19 of said Section 6; EXCEPT the East half thereof; and EXCEPT the South 262.00 feet thereof.