Case #/Title: PAB-0173 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 31006 North 67th Street, Cave Creek, Arizona 85331 and being identified as Assessor Parcel Number 216-67-200B.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the North 3 feet of the East 172.08 feet of the South 33 feet, except the East 33 feet and the West 8 feet of the East 33 feet, except the North 150 feet and the South 30 feet of the SE4 SW4 NE4 NW4 of said Section 22.

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 June 2021, and results sent to the applicant in June 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: Israel Perez  

PAB Number: 0173

Mailing Address: 31006 N. 67th Street

City: Cave Creek  

State: AZ  

Zip: 85331

Phone (602) - 292 - 7407  

Email: mypowerplant@gmail.com

Parcel Detail

Assessor’s Parcel Number: 216 - 67 - 2008

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

31006 N. 67th Street, Cave Creek. NW corner lot of 67th Street and Wildcat Drive.

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

8ft Eastern Easement & 3ft Southern Easement from SE corner to 10ft of water valve.

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__

____________________________

Notary Public

Signature

Isreal Perez

Digitally signed by Israel Perez

Date: 2021.09.30 16:50:08 -07'00'

Signature of Applicant

Date

Maricopa County Use Only

Application Fee*: $1,600  

Check #: 5815512483  

Total Received: $1,350.00  

Date: 10/7/21  

Rec’d By: CR

*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.
Hi Jessica,

Please see below and let me know if this satisfies what I need in order to move this forward.

Thank you,
Israel
602-292-7407

Sent from my iPhone

Begin forwarded message:

From: "Loans, Special" <special.loans@loancare.net>
Date: September 22, 2021 at 11:58:14 AM MST
To: Mypowerplant@gmail.com
Subject: Easement Abandonment - Perez - 0043964535

Good afternoon,

Loancare, LLC on behalf of New Residential (the servicer) and FHLMN (the investor) has no objection to the abandonment of the attached easement.

Let me know if you have any questions.
904 327 1775

David Pue
Special Loans Administrator
Special Loans Department
Loancare, LLC
Service That Exceeds Expectations
O: 904-701-6824 | F: (866) 355-7281
E: david.pue@loancare.net | W: www.loancareservicing.com
A: 601 Riverside Avenue Bldg 5 | Jacksonville, FL 32204 | NMLS #2916

LOANCARE
NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately.

This message was secured by Zix®.
The United States of America,
To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Phoenix, Arizona, has been issued showing that full payment has been made by the claimant, Mary Geraldine Armstrong, formerly Mary Geraldine Head, pursuant to the provisions of the Act of Congress approved June 1, 1938 (49 Stat. 569), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental there-to, for the following-described land:

Gila and Salt River Meridian, Arizona.

T. 5 N., R. 4 E.,
Sec. 22, 35th W. Range.

The area described contains 2.50 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, hereto 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 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 along the south and east boundaries of said land.

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 EIGHTH day of FEBRUARY in the year of our Lord one thousand nine hundred and SIXTY and of the Independence of the United States the one hundred and EIGHTY-FOURTH.

For the Director, Bureau of Land Management.

[Signature]

Chief, Patents Section.

Patent Number 1201619
MCDOT Permits

Thank you for your payment.

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Account Number: *6098

X Israel Perez
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: ISRAEL PEREZ  
31006 N 67TH ST  
CAVE CREEK, Arizona 85331

Receipt #: 100780  
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Receipt Type: Patent Easements

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Total: $1,350.00
PROOF OF OWNERSHIP
Warranty Deed

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

Warren D. Mays, an unmarried man
do/does hereby convey to

Israel Perez and Brenda Garcia, 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 whomsoever, subject to the matters set forth above.

Dated: May 26, 2016

Grantor(s):

[Signature]

Warren D. Mays

State of Arizona
County of Maricopa } SS:

On June 18th, 2016 before me personally appeared Warren D. Mays, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

FRANK BAGNATO
Notary Public - Arizona
Maricopa County
My Comm. Expires Feb 24, 2020

Notary Public
Commission Expires: 2/24/20
Exhibit A

Southeast quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 22, Township 5 North, Range 4 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona;

EXCEPT the East 25 feet and the South 30 feet for roadway; and

EXCEPT the North 150 feet; and

EXCEPT all oil, gas and other minerals as reserved in Patent from the United States of America.
ESCROW NO.: 01849131 822 S8D

ACCEPTANCE OF JOINT TENANCY WITH RIGHT OF SURVIVORSHIP
"DEED"

Israel Perez and Brenda Garcia, 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 June 20, 2016, and executed by Warren D. Mays as Grantors, to Israel Perez and Brenda Garcia, Husband and Wife as Grantees, and which conveys certain premises described as:

See Exhibit A attached hereto and made a part hereof.

to the Grantees named therein, not as tenants in common, nor as community property, nor as community property with right of survivorship, but as joint tenancy with 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 joint tenancy with right of survivorship and to acquire any interest we may have in said premises under the terms of said Deed as joint tenancy with right of survivorship.

Dated: June 20, 2016

GRANTING:

[Signatures]

Israel Perez

Brenda Garcia

[Signature]

State of Arizona

County of Maricopa } SS.

On 6/20, 2016 before me personally appeared Israel Perez and Brenda Garcia, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (lies)

(Seal)

Notary Public
Commission Expires: Dec 5th, 2018
Exhibit A

Southeast quarter of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 22, Township 5 North, Range 4 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona;

EXCEPT the East 25 feet and the South 30 feet for roadway; and

EXCEPT the North 150 feet; and

EXCEPT all oil, gas and other minerals as reserved in Patent from the United States of America.
AERIAL EXHIBIT
Abandon the N3' of the S33' of the E172.08' except the E25' and W8' of the E33' except the S30' of Pat. No. 1204619 on APN 216-67-200B
INITIAL

DETERMINATION

REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Israel Perez
Mailing Address: 31006 N. 67th Street
City: Cave Creek State: AZ Zip: 85331
Phone (602) - 292 - 7407 Email: mypowerplant@gmail.com

Parcel Detail

Assessor’s Parcel Number: 216 - 67 - 200B
1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   31006 N. 67th Street, Cave Creek
   NW corner lot of 67th Street and Wildcat Drive

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandon Easement bordering the South side of parcel 216-67-200B and,
   Abandon Easement bordering the East side of parcel 216-67-200B.

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

Israel Perez

Signature of Applicant Date

Maricopa County Use Only

PAB Number: ______________
Initial Determination Fee*: $250.00
Check #: ___________ Total Received: ___________ Date: ___________ 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: ISRAEL PEREZ
31006 N 67TH ST
CAVE CREEK, Arizona 85331

Receipt #: 100637
Payment Date: 5/27/2021
Reference #: APN 216-67-200B
Receipt Type: Patent Easements

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MCDOT Permits

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

x Isreal Perez
LEGAL DESCRIPTION

AND EXHIBIT
Assessor Parcel No. 216-67-200B

That portion of the easement described in Patent 1204619, lying in the Northwest quarter of Section 22 – T5N, R4E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North 3 feet of the East 172.08 feet of the South 33 feet, except the East 33 feet and the West 8 feet of the East 33 feet, except the North 150 feet and the South 30 feet of the SE4 SW4 NE4 NW4 of said Section 22.
**PATENT EASEMENT ABANDON**

**FILE NO. PAB-0173**

Section 22, T5N, R4E

FILE NO. PAB-0173

PATENT EASEMENT ABANDON

APN 216-67-200A

APN 216-67-200B

3' Area of Abandoment

8' Area of Abandoment part of Patent Easement 1204619

33' Patent Easement 1204619

NW 1/4 SEC 22 T 5N, R4E

EXH IB IT

MONTGOMERY RD

LONE MOUNTAIN RD

64TH ST

68TH ST

FIELD NO. PAB-0173

PATENT EASEMENT ABANDON

SEC 22 T 5N, R4E

EXH IB IT

Easement 1204619

33' Patent

Subject Property

W.O. No. P00102

MARICOPA COUNTY - REAL ESTATE DIVISION

Sheet 1 of 1