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

Case #/Title: PAB-0184 Federal Patent Easement Abandonment
Meeting Date: January 26, 2022
Supervisor District: 4
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 10243 West Calle Lejos, Peoria, Arizona 85383 and being identified as Assessor Parcel Number 201-08-065J.

Department Recommendation:
Having received no objection to the full abandonment MCDOT recommends the following: Abandon the West 33 feet of the W2 N2 NW4 NW4 SE4 of said Section 08. Except the North 33 feet and 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 September 2021, and results sent to the applicant in October 2021. The Application was circulated in review in November 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 Peoria, and Arizona State Land 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
PATENT EASEMENT ABANDONMENT APPLICATION

Contact Information
Applicant Name: Thomas Shipley
PAB Number: PAB-0184
Mailing Address: 10243 W Calle Lejos
City: Peoria
State: AZ
Zip: 85383
Phone (602) 707-5833
Email: thomas@shipleyortho.com

Parcel Detail
Assessor’s Parcel Number: 201-08-065J
1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix) Revised, JB 10/27/21
10243 W Calle Lejos, Peoria AZ 85383

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandon Easement bordering West side of parcel 201-08-06
   except for the northern and southern 3.3 feet.

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 My Commission Expires:

______ day of __________, 20____

______________________________
Notary Public

Signature ___________________________
Date 1/27/2021

Maricopa County Use Only

Application Fee*: $1,600
Check #: ____________________________
Total Received: $1,350
Date: 11/1/21
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.
October 12, 2021

Thomas S. Shipley
10243 West Calle Lejos
Peoria, Arizona 85383

Subject: PAB-0184 Initial Determination Review Results Letter

Dear Mr. Shipley,

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 201-08-065J, tracking number PAB-0184. MCDOT has received the following responses:

MCDOT: MCDOT Systems Planning objects to the abandonment of the Northern Patent Easement but would support abandonment of the Western 33-foot Patent Easement, except the northern 33 feet.

County Departments: No objection.

Utilities: Arizona Public Service (APS) has no objection to abandonment of the Northern Patent Easement but objects to the abandonment of the Western Patent Easement as requested. APS would support abandonment of the Western Patent Easement, except the southern 33 feet due to existing APS facilities. Please contact James Generoso for additional information (james.generoso@aps.com).

Agencies: The Arizona State Land Department (ASLD) objects to the abandonment of the Northern Patent Easement because this abandonment could negatively impact future development opportunities on the adjacent State Trust Land. ASLD would support abandonment of the Western Patent Easement, except the northern 33 feet. Please contact Karen Dada for additional information (kdada@azland.gov).

The City of Peoria objects to the abandonment of the Northern Patent Easement, on the south half of Calle Lejos, because this street is identified as a collector street on Peoria’s 2040 Circulation Plan. Calle Lejos is intended to serve the undeveloped state land parcel between Calle Lejos and Hatfield Road alignments west of the 101st Avenue alignment and abandoning the Northern Patent Easement as requested would be detrimental to providing secondary access to the land for fire requirements and general access. The City of Peoria has no objection to abandonment of the Western Patent Easement, except the northern 33 feet. Please contact Brandon Forrey for additional information (brandon.forrey@peoriaaz.gov).

No response has been received from Cox or Southwest Gas as of October 12, 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.

Applicants are encouraged to contact the parties listed above to resolve objections prior to proceeding to the Application Phase. 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-0184 must be filed by April 12, 2021. Please contact MCDOT staff, as indicated below, with any questions or concerns.

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
Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID: RHODESC
Customer Name: THOMAS S SHIPLEY
Reference Number: APN 201-88-0850 / PAB-0184

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Payment Type: [Card Payment]
Account Number: 1005

[I agree to pay the obligation according to the terms outlined in my agreement with my card issuer.]
Maricopa County Department of Transportation  
2501 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

**Payer Name:** THOMAS S SHIPLEY  
10243 W CALLE LEJOS  
PEORIA, Arizona 85383

**Receipt #:** 100807  
**Payment Date:** 11/1/2021  
**Reference #:** APN 201-08-065J / PAB-0184  
**Receipt Type:** Patent Easements

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**Total:** $1,350.00
PNC Bank  
20263 N Lake Pleasant Rd.  
Peoria, AZ 85382  

RE: Shipley US Patent Easement Abonnement PAB-0184  

October 27, 2021  

To Whom It May Concern:  

PNC is the lender for the Shipley’s mortgage for the property at 10243 W. Calle Lejos, Peoria, AZ (Parcel 201-08-065J).  

There is currently an application for Patent Easement Abandonment (PAB-0184) for the above property. The proposal is for abandonment of the Western 33-foot US Patent Easement.  

PNC approves the request to abandon the above mentioned patent easement.  

Sincerely,  

[Signature]  
Luis Marrero  
Branch Manager
COUNTY OF MARICOPA
State of Arizona

Office of the Clerk
Board of Supervisors

State of Arizona ) ss.
County of Maricopa )

I, Constance Copeland, Deputy Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on August 31, 2011:

70. ROAD ABANDONMENT (ROAD FILE NO. AB-253)

Pursuant to A.R.S. §28-7214, adopt Resolution AB-253 to abandon a portion of 103rd Avenue in the vicinity of 103rd Avenue and Cello Lelos Road by partially extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on November 18, 1977 and recorded by the Maricopa County Recorder as Docket 12592, page 848 and as Docket 12592, page 860, Supervisory District No. 4 (C-91-12-038-M-00)

Motion to approve by Supervisor Wilson, seconded by Supervisor Stapley

Ayas: Kunasek, Stapley, Wilson, Wilcox
Absent: Brock

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on September 2, 2011.

Deputy Clerk of the Board of Supervisors
WHEN RECORDED MAIL TO:

Thomas S. Shipley
10243 W. Calle Lejos
Peoria, AZ 85383

CAPTION HEADING:

SPECIAL WARRANTY DEED
THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING SEQUENCE

DO NOT REMOVE
THIS IS PART OF OFFICIAL DOCUMENT
Recording Requested By:
Grand Canyon Title Agency, Inc.

And When Recorded Mail To:

THOMAS S. SHIPLEY
10443 W. Calle Lejor
Peoria, Az 85383

ESCROW NO.: 45002088-045-SSH

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20101139604 12/30/2010 02:1
45002088-4-5-5---
ELECTRONIC RECORDING

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Special Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
Thomas S. Shipley, a married man, as his sole and separate property
do/does hereby convey to
Thomas S. Shipley and Pawranee Shipley, 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 the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein,
and no other, subject to the matters set forth.

Exempt per ARS 11-1134.1. See acceptance attached.

Dated this 29th day of December, 2010

Thomas S. Shipley

GRAND CANYON TITLE AGENCY
COURTESY RECORDBING
NO TITLE LIABILITY

STATE OF ARIZONA
COUNTY OF

On 29th December, 2010, before me, M. CHERISH MAYELL,
a Notary Public in and for said County and State, personally appeared

Thomas S. Shipley

Personally known to me (or proved to me on the basis of [signature])
Acceptance of Community Property with Right of Survivorship

Thomas S. Shipley and Pawrannce Shipley, 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 ____________________, and executed by Thomas S. Shipley as Grantor, 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, 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

[Signatures]

Thomas S. Shipley

Pawrannce Shipley

STATE OF ARIZONA } ss
County of Maricopa

M KENNETH MAXWELL
Notary Public—Arizona
Maricopa County
Expires on 04/30/2013

This instrument was acknowledged before me this 29th day of December, 2010, by Thomas S. Shipley

M Kenneth Maxwell
Notary Public
My commission will expire 4-30-13
Exhibit A

The West half of the North half of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 8, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the East 151 feet thereof;

EXCEPT all coal, oil, gas and other minerals as reserved in the Patent from the United States of America.
COURTESY RECORDING INSTRUCTIONS

The undersigned hereby requests that Grand Canyon Title Agency, Inc., record at its convenience as a courtesy, the following documents:

1. Special Warranty Deed
2. 
3. 
4. 

It is understood and agreed as follows:

a. Grand Canyon Title Agency, Inc. is released from responsibility of defect in form, substance, execution and acknowledgement of the above listed documents.

b. Grand Canyon Title Agency, Inc. is released from all liability for damage and loss of documents which might occur due to delay or error in recording or happen in the transmission of the documents to and from the Recorder's Office or to parties named in the document.

c. Grand Canyon Title Agency, Inc. is released from any and all liability that may be incurred in complying with this request.

Recording fees in the amount of $10.00 are attached.

(All checks are payable to the Maricopa County Recorder)

Date: 12-29-2010

Signature of requesting party

10743 W Calle Lejos

Address

Peoria, AZ 85382

OFFICE OF Grand Canyon Title Agency, Inc. to which delivered:

Commercial

Shawyer
PROOF OF OWNERSHIP
WHEN RECORDED MAIL TO:

Thomas S. Shipley
10243 W. Calle Lejos
Peoria, AZ 85383

CAPTION HEADING:

SPECIAL WARRANTY DEED
THIS DOCUMENT IS BEING RERECORDED TO CORRECT THE RECORDING SEQUENCE

DO NOT REMOVE
THIS IS PART OF OFFICIAL DOCUMENT
Recording Requested By:
Grand Canyon Title Agency, Inc.

And When Recorded Mail To:

THOMAS S. SHIPLEY
108443 W. Calle Sejon
Peoria, Az 85383

ESCROW NO.: 45002088-845-SSH

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2011013984 12/30/2010 02:1
45002088-8 5 5—
ELECTRONIC RECORDING

Special Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
Thomas S. Shipley, A married man, as his sole and separate property
do/does hereby convey to
Thomas S. Shipley and Pawranee Shipley, 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 the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein,
and no other, subject to the matters set forth.

Exempt per ARS 11-1134B10. See acceptance attached. 

Dated this 29th day of DECEMBER, 2010

Thomas S. Shipley

GRAND CANYON TITLE AGENCY
COURTESY RECORDING
NO TITLE LIABILITY

STATE OF ARIZONA
COUNTY OF

On 29th DECEMBER, 2010, before me, M. KENNETH MAXWELL

, a Notary Public in and for said County and State, personally appeared

Thomas S. Shipley

Personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument.

WITNESS my hand and official seal.

Signature M. KENNETH MAXWELL

For Notary Seal Or Stamp

M KENNETH MAXWELL
Notary Public—Arizona
Maricopa County
Expires on 04/30/2013
Acceptance of Community Property with Right of Survivorship

Thomas S. Shipley and Pawranee Shipley, 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 __________, and executed by Thomas S. Shipley as Grantor, 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, 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

[Signatures]

Thomas S. Shipley  Pawranee Shipley

STATE OF ARIZONA  }  ss  This instrument was acknowledged before me this 29th day of December, 2010, by Thomas S. Shipley

County of Maricopa

M KENNETH MAXWELL  Notary Public
Notary Public—Arizona
Maricopa County
My commission will expire: 4-30-13

Expires on 04/30/2013
Exhibit A

The West half of the North half of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 8, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the East 151 feet thereof;

EXCEPT all coal, oil, gas and other minerals as reserved in the Patent from the United States of America.
COURTESY RECORDING INSTRUCTIONS

The undersigned hereby requests that Grand Canyon Title Agency, Inc., record at its convenience as a courtesy, the following documents:

1. Special Warranty Deed
2. 
3. 
4. 

It is understood and agreed as follows:

a. Grand Canyon Title Agency, Inc. is released from responsibility of defect in form, substance, execution and acknowledgement of the above listed documents.

b. Grand Canyon Title Agency, Inc. is released from all liability for damage and loss of documents which might occur due to delay or error in recording or happen in the transmission of the documents to and from the Recorder's Office or to parties named in the document.

c. Grand Canyon Title Agency, Inc. is released from any and all liability that may be incurred in complying with this request.

Recording fees in the amount of $10.00 are attached.

(All checks are payable to the Maricopa County Recorder)

Date: 12-29-2010

Signature of requesting party

Address

Office of Grand Canyon Title Agency, Inc. to which delivered:

Commercial

Shawyer
AERIAL EXHIBIT
Abandon the W33' except the N33' and S33' of Pat. No. 1212414 on APN 201-08-065J.
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: Thomas S. Shipley
Mailing Address: 10243 W. Calle Lejos, Peoria, AZ 85383
City: Peoria State: AZ Zip: 85383
Phone (623) 707-5888 Email: thomas@shipleyortho.com

Parcel Detail

Assessor’s Parcel Number: 201-09-025 201-08-065J

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

   10243 W Calle Lejos, Peoria, AZ 85383

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

   To Abandon a US Patent Easement on the West Side of Parcel 201-09-025.

   and north

   JB: Revised 9/17/21 per applicant

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:  
Date: 9/16/2021

Maricopa County Use Only

PAB Number: 201-08-025

Initial Determination Fee*: $250.00

Check #: 007314 Total Received: $250.00 Date: 9/17/21 Rec’d By: CK

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
RESOLUTION
ROAD ABANDONMENT AB-253
C-91-12-038-M-00

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.

WHEREAS, a certain roadway easement located in the general vicinity of 103rd Avenue and Calle Lejos Road was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on November 19, 1977 and recorded by the Maricopa County Recorder as Docket 12592, page 948 and as Docket 12592, page 950.

WHEREAS, a proposal requesting a partial extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for partial extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed partial extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket 12592, page 948 and as Docket 12592, page 950.
RESOLUTION
ROAD FILE AB-253
C-91-12-038-M-00
Page 2

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this
31 day of August, 2011.

[Signature]
Chairman of the Board of Supervisors
Maricopa County

[Signature]
ATTEST:
Fran McFarland
Clerk of the Board

APPROVED AS TO FORM and within the powers and authority granted under the laws of the State of Arizona and Maricopa County

[Signature]
Legal Counsel
LEGAL DESCRIPTION
AB-253

The West 40 feet of the West half of the North half of the Northwest quarter of the Northwest quarter of the Southeast quarter of Section 8 Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. EXCEPT the North 40 feet thereof.
Maricopa County Department of Transportation  
2901 W. Durango Street Phoenix, AZ 85009  

Permit Receipt

Payer Name: DESERT VIEW CONTRACTORS LLC  
4714 W GREENWAY RD  
GLENDALE, Arizona 85306

Receipt #: 100755  
Payment Date: 9/17/2021  
Reference #: APN: 201-08-025  
Receipt Type: Patent Easements

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Total: $250.00
LEGAL DESCRIPTION

AND EXHIBIT
LEGAL DESCRIPTION
PAB-0184

EXHIBIT “A”

Assessor Parcel No. 201-08-065J

That portion of the easement described in Patent 1212414, lying in the Southeast quarter of Section 08, T4N, R1E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 33 feet of the W2 N2 NW4 NW4 SE4 of said Section 08. Except the North 33 feet and South 33 feet thereof.
PATENT EASEMENT ABANDON
FILE NO. PAB-0184

Area abandoned by PAB-0184

Exist. 40' County Esmt
doc. 1994-0484114

APN: 201-08-065J

33' Pat. easement
No. 1212414

APN: 201-08-065F

330'

33'

33'

33'

33'

151'

103TH AVE

CALLE LEJOS

SE 1/4
SEC 08
T 4N, R1E

Subject Parcel

NTS

CALLE LEJOS

103TH AVE

Pinnacle Peak Rd

Lake Pleasant Pkwy

Maricopa County - Real Estate Division

Section 08, T4N, R1E
W.O. No. P00102
Sheet 1 of 1