Case #/Title: PAB-0181 Federal Patent Easement Abandonment

Meeting Date: February 9, 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 1740 West Briles Road, Phoenix, Arizona 85085 and being identified as Assessor Parcel Number 210-11-014B.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the West 33 feet, except the South 33 feet, also the East 33 feet except the South 33 feet, also the North 8 feet of the South 33’, all within Parcel No. 2 as described in the Quit Claim Deed filed in Maricopa County Recording Number 2006-1322684.

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 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 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: Gammage & Burnham, PLC / Dennis M. Newcombe  
Mailing Address: 40 North Central Avenue, 20th Floor  
City: Phoenix  
State: AZ  
Zip: 85004  
Phone (602) - 256 - 4446  
Email: dnewcombe@gblaw.com

Parcel Detail

Assessor’s Parcel Numbers: 210-11-014B

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

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

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, Mark L. Rogers, LLC 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 November, 2021

Notary Public

Signature of Applicant

Signature

Date

Maricopa County Use Only

Application Fee*: $1,600

Check #: 40823  
Total: $1,550.00  
Date: 16 Nov 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.
PATENT EASEMENT ABANDONMENT APPLICATION

Contact Information

Applicant Name: Gammage & Burnham, PLC / Dennis M. Newcombe  PAB Number: 0181
Mailing Address: 40 North Central Avenue, 20th Floor
City: Phoenix  State: AZ  Zip: 85004
Phone (602) - 256 - 4446  Email: dnewcombe@gbleaw.com

Parcel Detail

Assessor’s Parcel Numbers: 210-11-014B

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
Northwest corner of North 17th Drive and West Bristes Road (1740 West Bristes Road, Phoenix)

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
Abandon portions of a 33-foot wide federal patent easement adjacent to the east, south, and west sides of APN 210-11-014B, as more particularly described on the attached legal description and graphic exhibit.

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___     See attached signed and notarized by Property Owner.

Notary Public

Signature of Applicant  Date

November 10, 2021

Maricopa County Use Only

Application Fee*: $1,600
Check #:__________  Total Received:__________  Date: __________  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: Gammage and Burnham / Elizabeth J Brundige
40 North Central Ave 20th Floor
Phoenix, Arizona 85004

Receipt #: 100825
Payment Date: 11/16/2021
Reference #: PAB 0181 / APN 210-11-014B
Receipt Type: Patent Easements

Payment Items

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Thank you for your payment.

Please print this receipt and keep it for your records.

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Transaction Date: 11/16/2021 03:42 PM

Payment Type: [ ]

Account Number: 5627

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.
August 24, 2021

**VIA HAND DELIVERY**

Maricopa County Department of Transportation  
2901 West Durango Street  
Phoenix, Arizona 85009

Re: **Letter of Authorization.**  
Property Address: 1740 West Briles Road, Phoenix, 85085.  
Approximately 5 Acres,  
APN: 210-11-014B.

To Whom It May Concern:

This letter shall serve as authorization for our representative, Gammage & Burnham PLC, to file the necessary submittal materials to process/represent us in regards to the abandonment of the Federal Patent Easements encumbering our above property within Maricopa County. This authorization shall remain in effect until a final decision is made by the Board of Supervisors, unless written correspondence from us is received stating otherwise.

Sincerely,

[Signature]

North Phoenix Growers, LLC
When recorded mail to:

RODRY A. KNIGHT
ATTORNEY AT LAW
14362 N. Frank Lloyd Wright Blvd.
Suite 1000
Scottsdale, Arizona 85260

CAPTION HEADING: QUIT CLAIM DEED

DO NOT REMOVE

This is part of the official document.
QUITCLAIM DEED

FOR VALUE RECEIVED, Mark L. Cox, of 2538 E. Mohawk Lane, Phoenix, Arizona 85050, a married man dealing with his sole and separate property, does hereby convey, release, remise and forever quitclaim unto:

North Phoenix Growers, LLC., an Arizona limited liability company whose address is 1740 W. Briles Rd., Phoenix, Arizona 85027

the real property in Maricopa County, Arizona described on Exhibit A attached hereto and made a part hereof, together with all easements and other appurtenances thereto.

Dated: September 29, 2006

Mark L. Cox (Grantor)

EXEMPT PER ARS 11-1134 A7

STATE OF: Arizona )
) ss:
COUNTY OF: Maricopa )

The foregoing instrument was acknowledged before me this 2nd day of October, 2006 by Mark L. Cox, the Grantor named therein.

Notary Public

My commission expires: }
LEGAL DESCRIPTION

PARCEL NO. 1: The South 25 feet of the North 90 feet of Lot 21, in the Northwest quarter of Section 6, Township 4 North, Range 3 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.

PARCEL NO. 2: Lot 21, in the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the North 90 feet thereof;
EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.

PARCEL NO. 3: The North 65 feet of Lot 21 in the Northwest quarter of Section 6, Township 4 North, Range 3 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.
September 15, 2021

Gammage & Burnham, PLC / Dennis M. Newcombe
40 North Central Avenue, 20th Floor
Phoenix, Arizona 85004

Subject: PAB-0181 Initial Determination Review Results Letter

Dear Mr. Newcombe,

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 210-11-014B, tracking number PAB-0181. 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 western 9 feet of the Eastern Patent Easement (retaining 24 feet for access), abandonment of the eastern 21 feet of the Western Patent Easement (retaining 12 feet for access), and abandonment of the northern 8 feet of the Southern Patent Easement (retaining 25 feet for access).

County Departments: No objection.

Utilities: Arizona Public Service (APS) objects to the abandonment of the Southern and Western Patent Easements due to existing APS electric facilities. APS would rescind this objection if the owner grants a replacement easement to APS, contact James Generoso for additional information (james.generoso@aps.com). APS has no objection to abandonment of the Eastern Patent Easement.

Agencies: The City of Phoenix Street Transportation Department objects to the abandonment as requested for the Southern Patent Easement but would have no objection to abandonment of the northern 8 feet of the Southern Patent Easement, retaining 25 feet for Briles Road. The City has no objection to abandonment of the Western and Eastern Patent Easements, except the southern 25 feet of each. Contact Bruce Littleton for additional information (bruce.littleton@phoenix.gov).

No response has been received from Cox, Southwest Gas, Bureau of Reclamation, or the Maricopa County Parks and Recreation Department as of September 15, 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-0181 must be filed by March 15, 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
October 4, 2021

Gammage & Burnham, PLC / Dennis M. Newcombe
40 North Central Avenue, 20th Drive
Phoenix, Arizona 85004

Subject: PAB-0181 Update to the Initial Determination Review Results Letter

Dear Mr. Newcombe,

The Initial Determination review period for potential abandonment of the Federal Patent Easement on the property identified as Assessor Parcel Number 210-11-014B, tracking number PAB-0181 concluded on September 14, 2021. MCDOT issued a review conclusion letter on September 15, 2021.

The September 15 review conclusion letter noted that a response had not yet been received from Cox, Southwest Gas, Bureau of Reclamation or the Maricopa County Parks and Recreation Department. MCDOT has since received the following response from Cox:

Utilities: Cox has no objection to the request as presented.

No response has been received from Southwest Gas, Bureau of Reclamation, or Maricopa County Parks and Recreation Department. 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.

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
November 10, 2021

VIA EMAIL

Northwest corner of 17th Drive and Briles Road.
Maricopa County Department of Transportation Reference Number: PAB-0181.
33-Foot Federal Patent Easement Encumbering Parcel Number: 210-11-014B.

To Whom It May Concern:

We represent North Phoenix Growers, LLC, the owner of approximately 5.11 gross acres located at the northwest corner of 17th Drive and Briles Road, more specifically Maricopa County Assessor Parcel Number 210-11-014B ("Property"). (See enclosed Property Location Map) The Property is zoned Maricopa County Rural-43 and is located within the City of Phoenix Municipal Planning Area.

The purpose of this letter is to process a formal abandonment application request regarding the federal patent easements on the Property that were reserved in 1956 to ensure access to local governments, public utilities, and adjoining properties. (See enclosed Federal Patent Easement Deed - Maricopa County Recorder Docket 1901, Page 299) For reference, the two (2) adjoining properties to the north of the Property, Maricopa County Assessor Parcel Numbers 210-11-014A and 210-11-014C, are also owned by North Phoenix Growers, LLC. These adjoining properties to the north are located within the City of Phoenix, and are not subject to this request; however, a companion abandonment case with the City of Phoenix is in process. With that said, this application requests to abandon portions of the federal patent easements adjacent to the east, south, and west sides of the Property's perimeter lines as outlined below and more specifically described and depicted on the enclosed map. (See enclosed Abandonment Legal Description and Graphic Depiction)

**East:** Abandon all 33-feet of the federal patent easement adjacent to the east Property line. (This application does not propose to retain any portion of the east 33-feet for 17th Drive.)

**South:** Abandon the north 8-feet of the 33-foot patent easement adjacent to the south Property line, retaining 25 FT. (The south 25-feet will be retained for Briles Road, which is maintained by the City of Phoenix.)

**West:** Abandon all 33-feet of the federal patent easement adjacent to the west Property line.
On September 15, 2021, the Maricopa County Department of Transportation (MCDOT) issued an initial determination conclusion letter for the requested abandonment of the federal patent easements, which included objections from Arizona Public Service (APS), the City of Phoenix, and MCDOT. In the letter, APS stated that they would rescind their objection to abandoning the southern and western portions of the federal patent easements if a replacement utility easement was granted for continued legal access to their existing overhead power lines. In order to resolve this objection, we have been coordinating with APS to determine their utility easement requirements for continued legal access. (See enclosed Draft APS Utility Easement) Separately, the City of Phoenix indicated that they would have no objection to abandonment of the north 8-feet of the southern patent easement if the southern 25-feet would be retained for Briles Road. As previously mentioned, this application proposes to retain the south 25-feet of the south patent easement for Briles Road. This will resolve the City of Phoenix’s objection and APS’ objection to the abandonment of the south patent easement. On October 4, 2021, MCDOT issued an updated initial determination letter rescinding their objection. To date, no other objections or responses have been received from other agencies, utility providers, or County departments.

Based on current conditions, projected development patterns, and the initial determination responses received to date, it is not anticipated that abandonment of the aforementioned portions of the federal patent easement will impact any current or future plans for public access. Accordingly, we respectfully request your support of the requested federal patent easement abandonments.

We appreciate your time and consideration of this request. Should you have any questions regarding this application, please do not hesitate to contact me at (602) 256-4446 or dnewcombe@gblaw.com.

Very truly yours,

GAMMAGE AND BURNHAM, PLC

Dennis M. Newcombe

Dennis M. Newcombe
Senior Land Use Planner

Enclosures: As stated.
Formal Abandonment Application Submittal Materials.
WHEREAS, a Certificate of the Land Office at Phoenix, Arizona is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant Joseph C. Koutalik pursuant to the provisions of the Act of Congress approved June 1, 1888 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following described land:

Gila and Salt River Meridian, Arizona,

T. 4 N., R. 2 E.,

sec. 6, Lot 21.

The area described contains 5.75 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 cases 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, thereto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and secured 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 coal, 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, 1888. This patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located across said land or as near as practicable to the exterior boundaries.

IN TESTIMONY WHEREOF, the undersigned, authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1868 (2 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 first day of March in the year of our Lord one thousand nine hundred and fifty-five and of the Independence of the United States the one hundred and seventy-ninth.

For the Director, Bureau of Land Management.

By C. Nicholas
Chief, Patent Unit.
Legal Description
For
Easement Abandonment
Maricopa County

Being a portion of the 33' Roadway and Public Utility Easement as described in Docket 1901, Page 299, Maricopa County Records, located on the following described parcel:

Lot 21, in the Northwest Quarter of Section 6, Township 4 North, Range 3 East, Gila and Salt River Meridian, Maricopa County, Arizona.

Except the North 90 feet thereof.

Easement abandonment described as follows:
The North 8.00 feet of the South 33.00 feet; and
The West 33.00 feet, except the South 33.00 feet; and
The East 33.00 feet, except the south 33.00 feet.

Mitchell H. Ragsdale
9/16/21
N.W. COR. SEC. 6, T.4N., R.3E.

N. 1/4 COR. SEC. 6, T.4N., R.3E.

33' ROADWAY & PUBLIC UTILITY EASEMENT
DKT. 1901, PG. 299, M.C.R.

APN: 210-11-014B

33' ROADWAY & PUBLIC UTILITY EASEMENT
DKT. 1901, PG. 299, M.C.R.

EASEMENT ABANDONMENT

EXHIBIT

EASEMENT ABANDONMENT
APN: 210-11-014B
MARICOPA COUNTY

Project No. 1187.1 Date: 9/15/21
Sheet 1 of 1
UTILITY EASEMENT

NORTH PHOENIX GROWERS, LLC, an Arizona limited liability company (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor’s Property"):  

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation, (hereinafter called “Grantee”), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor’s Property described as follows (herein called the “Easement Premises”):  

SEE EXHIBIT “B” ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right within the Easement Premises to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor’s Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee’s own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called “Grantee Facilities”); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee’s judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.
Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.
IN WITNESS WHEREOF, NORTH PHOENIX GROWERS, LLC, an Arizona limited liability company, has caused this Utility Easement to be executed by its duly authorized representative, this _____ day of _______________, 202___.

NORTH PHOENIX GROWERS, LLC
an Arizona limited liability company

By: ____________________________
   Printed Name

Its:
   Title

_______________________________
Signature

STATE OF ____________________  }
   ss.
County of ____________________  }

This instrument was acknowledged before me this _____ day of _______________, 202__.

by ________________________________,
   of North Phoenix Growers, LLC.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal:

_______________________________
Notary Public Signature
EXHIBIT “A”

LEGAL DESCRIPTION OF GRANTOR’S PROPERTY
AS RECORDED IN INSTRUMENT NUMBER 2006-1322684, M.C.R.

Parcel No. 2: Lot 21, in the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 90 feet thereof;

EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.
NOTE:
- RESULTS OF SURVEY, BK 1427, PG 32, MCR WAS USED AS A REFERENCE FOR THE BOUNDARY AND BASIS OF BEARINGS IN THE CREATION OF THIS EXHIBIT.
PROOF OF OWNERSHIP
When recorded mail to:

RODNEY A. KNIGHT
ATTORNEY AT LAW
14362 N. Frank Lloyd Wright Blvd.
Suite 1000
Scottsdale, Arizona 85260

CAPTION HEADING: QUIET CLAIM DEED

DO NOT REMOVE

This is part of the official document.
QUITCLAIM DEED

FOR VALUE RECEIVED, **Mark L. Cox**, of 2538 E. Mohawk Lane, Phoenix, Arizona 85050, a married man dealing with his sole and separate property, does hereby convey, release, remise and forever quitclaim unto:

**North Phoenix Growers, LLC.**, an Arizona limited liability company whose address is 1740 W. Briles Rd., Phoenix, Arizona 85027

the real property in Maricopa County, Arizona described on Exhibit A attached hereto and made a part hereof, together with all easements and other appurtenances thereto.

Dated: September 29, 2006

Mark L. Cox (Grantor)

STATE OF: Arizona  )
COUNTY OF: Maricopa  )

EXEMPT PER ARS 11-1134 A7

The foregoing instrument was acknowledged before me this 2nd day of October 2006 by Mark L. Cox, the Grantor named therein.

Notary Public

My commission expires: ____________

[Notary Seal]
LEGAL DESCRIPTION

PARCEL NO. 1: The South 25 feet of the North 90 feet of Lot 21, in the Northwest quarter of Section 6, Township 4 North, Range 3 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.

PARCEL NO. 2: Lot 21, in the Northwest quarter of Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the North 90 feet thereof; EXCEPT all coal, oil, gas and other mineral deposits as reserved in the Patent.

PARCEL NO. 3: The North 65 feet of Lot 21 in the Northwest quarter of Section 6, Township 4 North, Range 3 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.
AERIAL EXHIBIT
Abandon the W33' except the S25', E33' except the S25' and N8' of the S33' of Pat. No. 1150142 on APN 210-11-014B.
INITIAL
DETERMINATION
REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Gammage & Burnham, PLC / Dennis M. Newcombe

Mailing Address: 40 North Central Avenue, 20th Floor

City: Phoenix State: AZ Zip: 85004

Phone (602) - 256 - 4446 Email: dnewcombe@gblaw.com

Parcel Detail

Assessor's Parcel Number: 210-11-014B

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

   Northwest corner of N. 17th Drive and W. Briles Road (1740 W. Briles Road, Phoenix)

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

   Abandon a 33-foot wide federal patent easement adjacent to the east, south, and west sides of APN 210-11-014B as recorded in Docket 1901 Page 299 in the records of the Maricopa County Recorder (attached).

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

Dennis M. Newcombe

Signature of Applicant

Date: August 25, 2021

Maricopa County Use Only

PAB Number: 

Initial Determination Fee*: $250.00

Check # 100724 

Total Received $250.00 Date: 08-25-2021 Read By: BP

* 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

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**Total:** $250.00
MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID:  BPEREZ
Customer Name:  ELIZABETH J BRUNDIGE / GAMMAGE AND BURNHAM
Reference Number:  APN 210-11-014B

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Receipt Number:  381317617
Transaction Date:  08/27/2021 02:43 PM
Payment Type:  
Account Number:  *5627

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.
WHEREAS, a Certificate of the Land Office at Phoenix, Arizona, is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant, Joseph C. Kontolnik, pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 699), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

Gila and Salt River Meridian, Arizona.
T. 4 N., R. 2 E.,
sec. 6, Lot 21.

The area described contains 5.75 acres, according to the Official Plan 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, thereunto 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 coal, 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 35 feet in width, for roadway and public utilities purposes, to be located across said land or as near as practicable to the exterior boundaries.

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 FIRST day of MARCH in the year of our Lord one thousand nine hundred and FIFTY-FIVE and of the Independence of the United States the one hundred and SEVENTY-NINTH.

For the Director, Bureau of Land Management.

[Signature]
Chief, Patent Unit.
LEGAL DESCRIPTION

AND EXHIBIT
Assessor Parcel No. 210-11-014B

That portion of the easement described in Patent 1150142, lying in Lot 21 of Section 6 - T4N R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 33 feet, except the South 33 feet, also the East 33 feet except the South 33 feet, also the North 8 feet of the South 33', all within Parcel No. 2 as described in the Quit Claim Deed filed in Maricopa County Recording Number 2006-1322684.
PATENT EASEMENT ABANDON
FILE NO. PAB-0181

Section 6, T4N, R3E

APN 210-11-014B

33' Area of Abandonment
Part of Patent
Easement 1150142

Subject Property

JOMAX RD.

19TH AVE.

15TH AVE.

PARSONS RD

33' Area of Abandonment
Part of Patent
Easement 1150142

EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION

Property

Subject

Easement 1150142

Part of Patent

Area of Abandonment

W.O. No. P00102

Sheet 1 of 1