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

Case #/Title: PAB-0183 Federal Patent Easement Abandonment

Meeting Date: February 23, 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 1005 West Remuda Drive, Phoenix, Arizona 85085 and being identified as Assessor Parcel Number 210-12-003D.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the North 33 feet, except the West 25 feet thereof, the South 33 feet, except the West 25 feet thereof and the East 8 feet of the West 33 feet of the West 155 feet of the North half of the Southwest quarter of the Southeast quarter of the Northeast quarter of said Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

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 December 2021. The following responses were received:

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

Utilities – No Objection: Arizona Public Service, CenturyLink, and City of Phoenix Water Services Department.
Agency – No Objection: City of Phoenix Street Transportation 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
MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
2901 W. Durango Street • Phoenix, AZ 85009
Phone: (602) 506-4178

PATENT EASEMENT ABANDONMENT APPLICATION

Contact Information

Applicant Name: Steven Cummings

PAB Number: 0133

Mailing Address: 11030 N 73rd St

City: Scottsdale

State: AZ

Zip: 85260

Phone (602) 322 - 3303

Email: SCummings@SSDMobile.com

Parcel Detail

Assessor’s Parcel Number: 210-12-003D

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

21000 W 11th Ave Phoenix

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

Abandonment on West side & all abandonment on all other sides

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, Steven Cummings, 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 20th day of December, 2021

Notary Public

My Commission Expires: July 3, 2025

ENRIQUE CRUZ PENA
Notary Public - State of Arizona
MARICOPA COUNTY
Commission #607065
Expires July 3, 2025

Signature

Signature of Applicant

Date: 12-20-2021

Maricopa County Use Only

Application Fee*: $1,600

Check #: 1797

Total Received: $1,350

Date: 12/06/2021

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.
WARRANTY DEED

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

JUSTIN DANIEL KETT, an unmarried man

do/does hereby convey to

STEVEN CUMMINGS, a single man

the following real property situated in Maricopa County, State of 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: 1/26/2021

GRANTOR(S):

JUSTIN DANIEL KETT

State of Arizona

County of MARICOPA

Signed and sworn to before me this 26th day of January, 2021, by JUSTIN DANIEL KETT.

Notary Public

Affix stamp/seal:

My commission expires:
EXHIBIT "A"

The West 155 feet of the West half of the North half of the Southwest quarter of the Southeast quarter of the Northeast 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 set forth in the Patent of said land; and

EXCEPTING all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether of not of commercial value, as set forth in the Patent to said land.
Maricopa County Department of Transportation  
2901 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

Payer Name: STEVEN J CUMMINGS  
11030 N 73RD ST  
SCOTTSDALE, Arizona 85260-6402

Receipt #: 100869  
Payment Date: 12/20/2021  
Reference #: PAB 0183 / APN 210-12-003D  
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,

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do/does hereby convey to

STEVEN CUMMINGS, a single man

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

Dated: 1/26/2021

GRANTOR(S):

JUSTIN DANIEL KETT

State of Arizona

County of Maricopa

Signed and sworn to before me this 26 day of January, 2021, by JUSTIN DANIEL KETT.

Notary Public

Affix stamp/seal: My commission expires:

[Notary Seal]

BRIAN NARDUCCI
Notary Public - Maricopa County
Commission No. 203319503
My Commission Expires
12/13/2024
EXHIBIT "A"

The West 155 feet of the West half of the North half of the Southwest quarter of the Southeast quarter of the Northeast 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 set forth in the Patent of said land; and

EXCEPTING all uranium, thorium, or any other material which is or may be determined to be peculiarly essential to the production of fissionable materials, whether of not of commercial value, as set forth in the Patent to said land.
AERIAL EXHIBIT
Abandon the N33’ except the W25’, S33’ except the W25’, and E8’ of the W33’ of Pat. No. 1145677 on APN 210-12-003D
INITIAL DETERMINATION REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Steven Cummings
Mailing Address: 21001 North 11th Avenue
City: Phoenix State: AZ Zip: 85025
Phone (480) - 322 - 8303 Email: SCummings@GSMobile.com

Parcel Detail

Assessor's Parcel Number: 210 - 12 - 0030
1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)

21001 North 11th Avenue

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

Abandon easement bordering the North and South side of parcel 210-12-0030 also the western side e

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 9-14-2021

Maricopa County Use Only

PAB Number: ____________

Initial Determination Fee*: $250.00

Check #: 7143 Total Received: 250.00 Date: 9/15/2021 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: STEVEN J CUMMINGS  
11030 N 73RD ST  
SCOTTSDALE, Arizona 85260-8402

Receipt #: 100751  
Payment Date: 9/15/2021  
Reference #: PAB INITIAL DETERMINATION APN:210-12-003D  
Receipt Type: Patent Easements

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Total: $250.00
LEGAL DESCRIPTION

AND EXHIBIT
LEGAL DESCRIPTION
PAB-0183

EXHIBIT “A”

Assessor Parcel No. 210-12-003D

That portion of the easement described in Patent 1145677, lying in the NE quarter of Section 6 - T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North 33 feet, except the West 25 feet thereof, the South 33 feet, except the West 25 feet thereof and the East 8 feet of the West 33 feet of the West 155 feet of the North half of the Southwest quarter of the Southeast quarter of the Northeast quarter of said Section 6, Township 4 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.