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

Case #/Title: PAB-0177 Federal Patent Easement Abandonment
Meeting Date: February 23, 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 an unassigned address west of 25215 North 115th Avenue, Sun City, Arizona 85373 and being identified as Assessor Parcel Numbers 201-21-054C and 201-21-055B.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the West 33 feet of Parcel No. 1 described in the Special Warranty Deed filed with the Maricopa County Recorder’s Office Recording Number 2021-0489245 and abandon the West 33 feet of Parcel No. 2 described in the Special Warranty Deed filed with the Maricopa County Recorder’s Office Recording Number 2021-0489245.

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 August 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.

**Utilities – No Objection:** Arizona Public Service, CenturyLink, Cox, and EPCOR.

**Agency – No Objection:** City of Peoria.
**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: Imperial Development LLC, Andrew Larentzen, Rose Law Group - Agent
PAB Number: PAB-0177
Mailing Address: 7144 E. Stetson Dr. Ste 300
City: Scottsdale State: AZ Zip: 85251
Phone: (480) 240-5642 Email: alarentzen@roselawgroup.com

Parcel Detail

Assessor's Parcel Number: 201-21-054C & 201-21-055B

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix) SW of the SWC of 115th Ave & Happy Valley Rd.

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A) Abandon Patent Easements on the West Side of Parcels 201-21-054C & 201-21-055B

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, Rohit Tripathi, 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 19th day of August, 2021

Angelica Van Balem
Notary Public

Signature

Angelica Rome

Date 8/19/21

Maricopa County Use Only

Application Fee*: $1,600
Check # 66391425 Total Received: $1,350.00 Date: 10/20/21 Rec'd By: C.K.

*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.
Thank you for your payment.

Please print this receipt and keep it for your records.

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2901 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

Payer Name:  
COURT RICH  
7144 E STETSON DR STE 300  
SCOTTSDALE, Arizona 85251

Receipt #: 100800
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Total: $1,350.00
PROPERTY OWNER / AGENT AUTHORIZATION

APPLICATION FOR PATENT EASEMENT ABANDONMENT

Property Address: SW of the SWC OF 115TH Ave & Happy Valley Rd.

Assessor's Parcel No. 201-21-054C & 201-21-055B

As the Property Owner of the property located at the address above, I/we authorize Rose Law Group, pc, to act as an agent on my/our behalf for the sole purpose of

. I/We understand that any application may be approved, modified or denied with conditions, and that such conditions or modifications must be complied with prior to issuance of building permits.

I/We further understand that signing of this authorization in no way creates an obligation of any kind.

Printed Name: Rohit Tripathi
Title/Company: Imperial Development LLC
Authorized Signature: [Signature]
Date: 8/19/21
SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I,
Larry J. Dalton Trustee of the Larry J. Dalton and Koreen C. Dalton Revocable Living
Trust dated 4/8/05
do hereby convey to
IMPERIAL DEVELOPMENT, LLC, a Wyoming limited liability company
the following described property situated in the County of Maricopa, State of Arizona,
together with all rights and privileges appurtenant thereto, to wit:
See Exhibit "A" attached hereto and made a part hereof.
SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way,
easements, and all other matters of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, as against
all acts of the Grantor herein and no other, subject to the matters above set forth.

The names and addresses of the beneficiaries of the Grantor's Trust are:

Larry J. Dalton and Koreen C. Dalton
1308 E. Commodore Place
Tempe, Az. 85283

Dated April 29, 2021

Larry J. Dalton, Trustee
of the Larry J. Dalton and Koreen C. Dalton
Revocable Living Trust dated 4-4-05

STATE OF ARIZONA )
County of Maricopa )

On April 29, 2021, before me, the undersigned Notary Public,
personally appeared LARRY J. DALTON, 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 and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 2/19/23

Notary Public

P. J. MARINO
Notary Public - State of Arizona
MARICOPA COUNTY
Decennial # 667679
Expires February 19, 2023
Dated April 29, 2021

Special Warranty Deed

Exhibit "A"

Escrow No. 153123EW

Parcel No. 1:

That part of G.L.O. Lot 53, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00°20'20" East, a distance of 2,632.08 feet;

Thence North 00°20'20" East, along the West line of the Southwest Quarter of said Section 6, a distance of 314.87 feet to the Southeast Corner of said G.L.O. Lot 53, being the True Point of Beginning;

Thence North 00°20'20" East, along the West line of said G.L.O. Lot 53, a distance of 330.01 feet to the Northwest Corner of said G.L.O. Lot 53;

Thence South 89°44'42" East, along the North line of said G.L.O. Lot 53, a distance of 388.47 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 63°36'05" West;

Thence Southwesterly, along said curve, through a central angle of 30°33'08", a distance of 445.25 feet to a point on the South line of said G.L.O. Lot 53;

Thence North 89°46'53" West, along the South line of said G.L.O. Lot 53, a distance of 97.87 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.

Parcel No. 2:

That part of G.L.O. Lot 54, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00°20'20" East, a distance of 2,632.08 feet;

Thence North 00°20'20" East, along the West line of the Southwest Quarter of said Section 6, a
Dated April 29, 2021

Special Warranty Deed

Escrow No. 153123EW

distance of 255.31 feet to the True Point of Beginning;

Thence continuing North 00°20'20" East, along said West line, a distance of 59.56 feet to the Northwest Corner of said G.L.O. Lot 54;

Thence South 89°46'53" East, along the North line of said G.L.O. Lot 54, a distance of 97.87 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 33°02'57" West;

Thence Southwesterly, along said curve, through a central angle of 03°48'21", a distance of 55.46 feet to the beginning of a tangent reverse curve of 965.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of 03°31'00", a distance of 59.23 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.
PROOF OF OWNERSHIP
SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I,
Larry J. Dalton Trustee of the Larry J. Dalton and Koreen C. Dalton Revocable Living
Trust dated \[1\/F\text{-}05\]
do hereby convey to
IMPERIAL DEVELOPMENT, LLC, a Wyoming limited liability company
the following described property situated in the County of Maricopa, State of Arizona,
together with all rights and privileges appurtenant thereto, to wit:
See Exhibit "A" attached hereto and made a part hereof.
SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way,
easements, and all other matters of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, as against
all acts of the Grantor herein and no other, subject to the matters above set forth.

The names and addresses of the beneficiaries of the Grantor's Trust are:

Larry J. Dalton and Koreen C. Dalton
1308 E. Commodore Place
Tempe, Az. 85283

Dated April 29, 2021

Larry J. Dalton, Trustee
of the Larry J. Dalton and Koreen C. Dalton
Revocable Living Trust dated 4-8-05

STATE OF ARIZONA )
SS.
County of Maricopa )

On April 29, 2021, before me, the undersigned Notary Public, personally appeared LARRY J. DALTON, 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 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 2/19/23

Notary Public

P. J. MARINO
Notary Public - State of Arizona
MARICOPA COUNTY
Co. Registration # 557973
Expires February 16, 2023
Dated April 29, 2021

Special Warranty Deed

Exhibit "A"

Escrow No. 153123EW

Parcel No. 1:

That part of G.L.O. Lot 53, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00° 20' 20" East, a distance of 2,632.08 feet;

Thence North 00° 20' 20" East, along the West line of the Southwest Quarter of said Section 6, a distance of 314.87 feet to the Southeast Corner of said G.L.O. Lot 53, being the Point of Beginning;

Thence North 00° 20' 20" East, along the West line of said G.L.O. Lot 53, a distance of 330.01 feet to the Northwest Corner of said G.L.O. Lot 53;

Thence South 89° 44' 42" East, along the North line of said G.L.O. Lot 53, a distance of 388.47 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 63° 36' 05" West;

Thence Southwesterly, along said curve, through a central angle of 30° 33' 08", a distance of 445.25 feet to a point on the South line of said G.L.O. Lot 53;

Thence North 89° 46' 53" West, along the South line of said G.L.O. Lot 53, a distance of 97.87 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.

Parcel No. 2:

That part of G.L.O. Lot 54, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00° 20' 20" East, a distance of 2,632.08 feet;

Thence North 00° 20' 20" East, along the West line of the Southwest Quarter of said Section 6, a
Dated April 29, 2021  

**Special Warranty Deed**  

Escrow No. 153123EW

distance of 255.31 feet to the True Point of Beginning.

Thence continuing North 00°20'20" East, along said West line, a distance of 59.56 feet to the Northwest Corner of said G.L.O. Lot 54;

Thence South 89°46'53" East, along the North line of said G.L.O. Lot 54, a distance of 97.87 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 33°02'57" West;

Thence Southwesterly, along said curve, through a central angle of 03°48'21", a distance of 55.46 feet to the beginning of a tangent reverse curve of 965.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of 03°31'00", a distance of 59.23 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.
SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I,
Larry J. Dalton Trustee  of the Larry J. Dalton and Koreen C. Dalton Revocable Living
Trust dated 1/1/80

do hereby convey to

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the following described property situated in the County of Maricopa, State of Arizona,
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And the Grantor hereby binds itself and its successors to warrant and defend the title, as against
all acts of the Grantor herein and no other, subject to the matters above set forth.

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1308 E. Commodore Place
Tempe, Az. 85283

Dated April 29, 2021

Larry J. Dalton, Trustee
of the Larry J. Dalton and Koreen C. Dalton
Revocable Living Trust dated 4-8-05

Special Warranty Deed

STATE OF ARIZONA

County of Maricopa

On April 29, 2021, before me, the undersigned Notary Public, personally appeared LARRY J. DALTON, 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 and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 7/19/23

Notary Public

P. J. MARINO
Notary Public - State of Arizona
MARICOPA COUNTY
Co. License # 557975
Expires February 10, 2023
Dated April 29, 2021

Special Warranty Deed

Exhibit “A”

Escrow No. 153123EW

Parcel No. 1:

That part of G.L.O. Lot 53, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00°20'20" East, a distance of 2,632.08 feet;

Thence North 00°20'20" East, along the West line of the Southwest Quarter of said Section 6, a distance of 314.87 feet to the Southeast Corner of said G.L.O. Lot 53, being the The Point of Beginning;

Thence North 00°20'20" East, along the West line of said G.L.O. Lot 53, a distance of 330.01 feet to the Northwest Corner of said G.L.O. Lot 53;

Thence South 89°44'42" East, along the North line of said G.L.O. Lot 53, a distance of 388.47 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 63°36'05" West;

Thence Southwesterly, along said curve, through a central angle of 30°33'08", a distance of 445.25 feet to a point on the South line of said G.L.O. Lot 53;

Thence North 89°46'53" West, along the South line of said G.L.O. Lot 53, a distance of 97.87 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.

Parcel No. 2:

That part of G.L.O. Lot 54, Section 6, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Iron Pin marking the Southwest Corner of said Section 6, from which the Aluminum Cap marking the West Quarter Corner of said Section 6 bears North 00°20'20" East, a distance of 2,632.08 feet;

Thence North 00°20'20" East, along the West line of the Southwest Quarter of said Section 6, a
Dated April 29, 2021

Special Warranty Deed

Escrow No. 153123EW

distance of 255.31 feet to the True Point of Beginning.

Thence continuing North 00°20'20" East, along said West line, a distance of 59.56 feet to the Northwest Corner of said G.L.O. Lot 54;

Thence South 89°46'53" East, along the North line of said G.L.O. Lot 54, a distance of 97.87 feet to a point on a 835.00 foot radius non-tangent curve, whose center bears North 33°02'57" West;

Thence Southwesterly, along said curve, through a central angle of 03°48'21", a distance of 55.46 feet to the beginning of a tangent reverse curve of 965.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of 03°31'00", a distance of 59.23 feet to the True Point of Beginning;

Excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent to the land.
Abandon the W33' of Pat. No. 1205949 on APN 201-21-054C and the W33' of Pat. No. 1205950 on APN 201-21-055B
INITIAL DETERMINATION REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Andrew Lorentzen - Rose Law Group

Mailing Address: 7144 E. Stetson Dr. Ste: 300

City: Scottsdale State: AZ Zip: 85251

Phone (480) - 240 - 5642 Email: a lorentzen@roselawgroup.com

Parcel Detail

Assessor's Parcel Number: 201 - 21 - 054C & 201-21-055B

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

   SW of the SWC of 115th Ave & Happy Valley Rd.

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

   Abandon Easement bordering the West side of parcels 201-21-054C & 201-21-055B.

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

Maricopa County Use Only

PAB Number: 

Initial Determination Fee*: $250.00

Check #: 10782 Total Received: $250.00 Date: 6/1/2021 Rec'd By: Bar

* 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: ROSE LAW GROUP PC  
7144 E STETSON DRIVE SUITE 300  
SCOTTSDALE, Arizona 85251

Receipt #: 100687  
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LEGAL DESCRIPTION
AND EXHIBIT
Assessor Parcel No. 201-21-054C

That portion of the easement described in Patent 1205949, lying in G.L.O. Lot 53 of the Southwest quarter of Section 6 – T4N, R1E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 33 feet of Parcel No. 1 described in the Special Warranty Deed filed with the Maricopa County Recorder’s Office Recording Number 2021-0489245.

Assessor Parcel No. 201-21-055B

That portion of the easement described in Patent 1205950, lying in G.L.O. Lot 54 of the Southwest quarter of Section 6 – T4N, R1E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 33 feet of Parcel No. 2 described in the Special Warranty Deed filed with the Maricopa County Recorder’s Office Recording Number 2021-0489245.