Case #/Title: PAB-0191 Federal Patent Easement Abandonment
Meeting Date: March 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 46412 North 37th Avenue, New River, Arizona 85087 and being identified as Assessor Parcel Number 202-13-056D.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the North 33 feet of the West 390 feet of Lot 64, Township 2 North, Range 7 East of the Gila and Salt River Meridian, Maricopa County, Arizona. EXCEPT that portion South of a line from the Northwest Corner of said Lot 64 to a point 220 feet North and 390 feet West of the Southeast Corner of said Lot 64.

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 December 2021, and results sent to the applicant in December 2021. The Application was circulated in review in January 2022. 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, and CenturyLink.

**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: Samuel Blackman
PAB Number: PAB-0191
Mailing Address: 17414 N 39th Ave
City: Phoenix State: AZ Zip: 85308
Phone: (602) 448-9556 Email: samuelmblackman@gmail.com

Parcel Detail

Assessor’s Parcel Number: 202 - 13 - 056D

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   464xx N 38th Ave, New River, AZ 85087

2. Description of Request: (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
   Abandonment of the Northern 33-foot Easement of parcel 202-13-056D

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.

   Samuel Blackman
   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
   28th day of December, 2021
   ___________________________
   Notary Public

   Signature of Applicant

   ___________________________

   Signature

   Date 12-28-2021

Maricopa County Use Only

Application Fee*: $1,600
Check #: C7 $1,600 Total Received: $1,685.00 Date: 1/16/22 Rec’d By: CH

*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.
December 23, 2021

Samuel Blackman
17414 North 39th Avenue
Glendale, Arizona 85308

Subject: PAB-0191 Initial Determination Review Results Letter

Dear Mr. Blackman,

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 202-13-056D, tracking number PAB-0191. 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 North 33-foot Patent Easement and abandonment of the northern 8 feet of the Southern 33-foot Patent Easement.

County Departments: No objection.

Utilities: Arizona Public Service (APS) objects to the abandonment of the Southern 33-foot Patent Easement due to existing overhead electric facilities. APS has no objection to abandonment of the Northern 33-foot Patent Easement. APS would remove its objection to abandonment of the Southern 33-foot Patent Easement if the property owner grants an APS-specific easement. Please contact James Generoso for additional information and resolution (james.generoso@aps.com).

CenturyLink objects to the abandonment of the Southern 33-foot Patent Easement. CenturyLink has no objection to abandonment of the Northern 33-foot Patent Easement. Please contact Lisa Gallegos-Thompson for additional information (lisa.gallegos@lumen.com) and reference CenturyLink case #P840052.

Agencies: The City of Phoenix Street Transportation Department objects to the abandonment as requested but would have no objection to abandonment of the North 33-foot Patent Easement and abandonment of the northern 8 feet of the Southern 33-foot Patent Easement.

No response has been received from the Bureau of Land Management, Arizona State Land Department, or Maricopa County Parks and Recreation Department as of December 23, 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-0191 must be filed by June 23, 2022.** 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](https://www.maricopa.gov/775/Abandonment-of-Patent-Easements)). Please contact me as indicated below with any additional questions.

Sincerely,

Jessica Brinton  
Jéssica Brinton, Planner  
Maricopa County Department of Transportation  
Phone: 602-506-4178  
Email: Jessica.Brinton@Maricopa.gov
Warranty Deed

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

Herb Caron, a single man
as GRANTOR(s)

do/does hereby convey to

Samuel Mitchell Blackman, a married man as his sole and separate property
as GRANTEE(s)

the following real property situated in Maricopa County, Arizona:

A portion of Lot 64, Section 34, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at a point on the South line of said Lot 64, which lies 270.00' feet West of the Southeast corner of said Lot 64;

THENCE West along said South line, a distance of 120.00' feet;

THENCE North, parallel with the West line of the East 270.00' feet of said Lot 64, a distance of 220.00' feet;

THENCE Northwesterly to the Northwest corner of said Lot 64;

THENCE East, along the North line of said Lot 64 to the West line of the East 270.00' feet;

THENCE South along said West line back to the POINT OF BEGINNING of the Parcel described herein.

APN: 202-13-056D

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 does warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: March 12, 2019
Warranty Deed

Escrow No. 19-03-146521SR
APN #: 202-13-056D

Grantor(s):

Herb Caron

State of ARIZONA
County of Yavapai

On March 13, 2019, before me the undersigned Notary Public, personally appeared Herb Caron, 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 by 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.

Signature Vivian J. Ladd

My Commission Expires: 10/03/2021
Maricopa County Department of Transportation  
2901 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

Payer Name: SAMUEL BLACKMAN  
17414 N 39TH AVE  
GLENDALE, Arizona 85308

Receipt #: 100884  
Payment Date: 1/5/2022  
Reference #: PAB-0191  
Receipt Type: Patent Easements

<table>
<thead>
<tr>
<th>Description</th>
<th>Payment Type</th>
<th>Transaction #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PATENT EASEMENT // PAB-0191 // 1 X $1,350.00= $1,350.00</td>
<td>Credit Card</td>
<td>3821273015</td>
<td>$1,350.00</td>
</tr>
</tbody>
</table>

Total: $1,350.00
MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

<table>
<thead>
<tr>
<th>Product</th>
<th>Description</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patent Easements</td>
<td>1</td>
<td>$1,350.00</td>
</tr>
</tbody>
</table>

Receipt Number: 3821273015  
Transaction Date: 04/05/2022 11:00 AM

Payment Type: VISA

Account Number: *1649*

I agree to pay this obligation according to the terms outlined in my agreement with my card issuer.
PROOF OF OWNERSHIP
For the consideration of Ten Dollars, and other valuable considerations, I or we,

Herb Caron, a single man
as GRANTOR(s)

do/does hereby convey to

Samuel Mitchell Blackman, a married man as his sole and separate property
as GRANTEE(s)

the following real property situated in Maricopa County, Arizona:

A portion of Lot 64, Section 34, Township 7 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at a point on the South line of said Lot 64, which lies 270.00' feet West of the Southeast corner of said Lot 64;

THENCE West along said South line, a distance of 120.00' feet;

THENCE North, parallel with the West line of the East 270.00' feet of said Lot 64, a distance of 220.00' feet;

THENCE Northwesternly to the Northwest corner of said Lot 64;

THENCE East, along the North line of said Lot 64 to the West line of the East 270.00' feet;

THENCE South along said West line back to the POINT OF BEGINNING of the Parcel described herein.

APN: 202-13-056D

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 does warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: March 12, 2019
Warranty Deed

Escrow No. 19-03-146521SR
APN #: 202-13-056D

Grantor(s):
Herb Caron

State of ARIZONA
County of Yavapai

On March 13, 2019, before me the undersigned Notary Public, personally appeared Herb Caron, 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 by 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.

Signature Vivian J. Ladd My Commission Expires: 10/03/2021

VIVIAN J. LADD
Notary Public - Arizona
Yavapai County
My Comm. Expires Oct 3, 2021
AERIAL EXHIBIT
Abandon the N33' of Pat. No. 1172848 on APN 202-13-056D
INITIAL

DETERMINATION

REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Contact Information

Applicant Name: Samuel Blackman

Mailing Address: 17414 N 39th Ave

City: Glendale State: AZ zip: 85308

Phone (602) - 448 - 9556 Email: samuelmblackman@gmail.com

Parcel Detail

Assessor’s Parcel Number: 202 - 13 - 056D

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

464xx N 38th Ave
New River, AZ 85087

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

Abandon all Easements of parcel 202-13-056D

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

12/6/2021
Date

Maricopa County Use Only

PAB Number: _______________

Initial Determination Fee*: $250.00

Check #: $5619592723 Total Received: $250.00 Date: 12/6/21 Rec’d By: CL

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
Maricopa County Department of Transportation  
2001 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

Payer Name: SAMUEL BLACKMAN  
17414 N 39TH AVE  
GLENDALE, Arizona 85308

Receipt #: 100852  
Payment Date: 12/6/2021  
Reference #: APN 202-13-056D  
Receipt Type: Patent Easements

Payment Items

<table>
<thead>
<tr>
<th>Description</th>
<th>Payment Type</th>
<th>Transaction #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PATENT EASEMENT // APN 202-13-056D // 1X $250.00= $250.00</td>
<td>Credit Card</td>
<td>3819592723</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Total: $250.00
MCDOT Permits

Thank you for your payment.

Please print this receipt and keep it for your records.

Clerk ID: RHODESC
Customer Name: SAMUEL BLACKMAN
Reference Number: APN 202-13-056D

<table>
<thead>
<tr>
<th>Product</th>
<th>Description</th>
<th>Payment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patent Easements</td>
<td>1</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

Receipt Number: 3819592723
Transaction Date: 12/06/2021 12:42 PM
Payment Type: VISA

Account Number: *1049

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

AND EXHIBIT
Assessor Parcel No. 202-13-056D

That portion of the easement described in Patent 1172848, lying in Lot 64 of Section 34 – T7N, R2E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The North 33 feet of the West 390 feet of Lot 64, Township 7 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona. EXCEPT that portion South of a line from the Northwest Corner of said Lot 64 to a point 220 feet North and 390 feet West of the Southeast Corner of said Lot 64.