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

Case #/Title: PAB-0197 Federal Patent Easement Abandonment

Meeting Date: May 18, 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 10023 West Mariposa Grande, Peoria, Arizona 85383 and being identified as Assessor Parcel Number 201-08-046F.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the West 33 feet of the N2 SW4 NE4 SE4 of said Section 08. EXCEPT the North 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 February 2022, and results sent to the applicant in February 2022. The Application was circulated in review in March 2022. 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.

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: Alex Perez
PAB Number: PAB-0197
Mailing Address: 26799 N. 97th Lane
City: Peoria
State: AZ
Zip: 85383
Phone: 602-501-5058
Email: alex@apcontractinginc.com

Parcel Detail

Assessor's Parcel Number: 201-08-046F

1. Location of Request: (ex: 3200 W. Dove Valley Road, Phoenix)
   10023 W. Mariposa Grande, 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 201-08-046F

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, Alex Perez, 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 6th day of March, 2022

Notary Public

Signature of Applicant

Date 3/6/2022

Maricopa County Use Only

Application Fee*: $1,600
Check #: 596 Total Received: $1,650.00
Date: 3/7/2022 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

KNOW ALL MEN BY THESE PRESENTS:

That, AP CONTRACTING INC, an Arizona Corporation, the undersigned grantor, for valuable consideration, does hereby convey to ALEX PÉREZ and MIRNA PÉREZ, husband and wife, as joint tenants with rights of survivorship, the Grantees, all rights, title and interest in that certain Real Property situated in Maricopa County, State of Arizona, and legally described as follows:


EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

APN: 201-08-046F
Property Situated at: 10023 W. Mariposa Grande, Peoria, AZ 85383

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And we do warrant the title against all persons whomsoever, subject only to those encumbrances or liens of record, or as above set forth, if any.

No affidavit of real property value is included with this deed because of EXEMPTION B7.

The legal description and stated title owner contained herein was supplied by the Grantor, and the draftsman assumes no responsibility for the correctness thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of January, 2022.

AP CONTRACTING INC., An Arizona Corp.
By: ALEX PEREZ, Director
Grantor

AP CONTRACTING INC., An Arizona Corp.
By: MIRNA PEREZ, President
Grantor

ACKNOWLEDGMENT

State of Arizona
County of Maricopa

On this 3rd day of January, 2022, before me, the undersigned Notary Public appeared ALEX PEREZ and MIRNA PEREZ, on behalf of AP CONTRACTING INC., to me known to be the individuals in and who executed the foregoing instruments, and acknowledged that they executed the same as their free act and deed.

MY COMMISSION EXPIRES: 10/31/2024

CHRISTINA WEBSTER
Notary Public

Notary Public

Page 2 of 3

Prepared by: Christina Webster, AZCLDP #81598
Arizona Legal EASE, Inc., AZCLDP #80340
ACCEPTANCE OF JOINT TENANCY
WITH RIGHT OF SURVIVORSHIP

ALEX PEREZ, Grantee

Date: 1/3/2022

MIRNA PEREZ, Grantee

Date: 1/3/2022

ACKNOWLEDGMENT

State of Arizona

County of Maricopa

On this 3rd day of January 2022, before me, the undersigned Notary Public appeared
ALEX PEREZ and MIRNA PEREZ, to me known to be the individuals, or who presented identification as
evidence thereof, in and who executed the foregoing instruments, and acknowledged that he/she executed
the same as his/her own free act and deed.

MY COMMISSION EXPIRES 10/21/2024

(Notary Seal)

Christina Webster
Notary Public, State of Arizona
Maricopa County
Commission #580253
My Commission Expires October 31, 2024

NOTARY PUBLIC
Payment Items

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Total: $1,350.00
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That, AP CONTRACTING INC, an Arizona Corporation, the undersigned grantor, for valuable consideration, does hereby convey to ALEX PEREZ and MIRNA PEREZ, husband and wife, as joint tenants with rights of survivorship, the Grantees, all rights, title and interest in that certain Real Property situated in Maricopa County, State of Arizona, and legally described as follows:


EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT.

APN: 201-08-046F
Property Situated at: 10023 W. Mariposa Grande, Peoria, AZ 85383

SUBJECT TO: Existing taxes, assessments, covenants, conditions, restrictions, rights of way, easements and all other matters of record.

And we do warrant the title against all persons whomsoever, subject only to those encumbrances or liens of record, or as above set forth, if any.

No affidavit of real property value is included with this deed because of EXEMPTION B7.

The legal description and stated title owner contained herein was supplied by the Grantor, and the draftsman assumes no responsibility for the correctness thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of January, 2022.

AP CONTRACTING INC., An Arizona Corp.
By: ALEX PEREZ, Director
Grantor

AP CONTRACTING INC., An Arizona Corp.
By: MIRNA PEREZ, President
Grantor

ACKNOWLEDGMENT

State of Arizona
County of Maricopa

On this 3rd day of January, 2022, before me, the undersigned Notary Public appeared ALEX PEREZ and MIRNA PEREZ, on behalf of AP CONTRACTING INC., to me known to be the individuals in and who executed the foregoing instruments, and acknowledged that they executed the same as their free act and deed.

Unofficial Document

MY COMMISSION EXPIRES: 10/31/2024

Notary Public

CHRISTINA WEBSTER
Notary Public, State of Arizona
Maricopa County
Commission # 590253
My Commission Expires
October 31, 2024
ACCEPTANCE OF JOINT TENANCY
WITH RIGHT OF SURVIVORSHIP

ALEX PEREZ, Grantee

Date: 1/3/2022

MIRNA PEREZ, Grantee

Date: 1/3/2022

ACKNOWLEDGMENT

State of Arizona

County of Maricopa

On this 3rd day of January 2022, before me, the undersigned Notary Public appeared ALEX PEREZ and MIRNA PEREZ, to me known to be the individuals, or who presented identification as evidence thereof, in and who executed the foregoing instruments, and acknowledged that he/she executed the same as his/her own free act and deed.

MY COMMISSION EXPIRES: 10/31/2024

Christina Webster
Notary Public, State of Arizona
Maricopa County
Commission Expires
October 31, 2024

NOTARY PUBLIC
AERIAL EXHIBIT
Abandon the W33’ except the N33’ of Pat. No. 1209862 on APN 201-08-046F
INITIAL
DETERMINATION
REQUEST
PATENT EASEMENT ABANDONMENT INITIAL DETERMINATION

Applicant Name: Alex Perez

Mailing Address: 26799 N. 97th Lane
City: Peoria State: AZ Zip: 85383
Phone (602) - 501 - 5058 Email: alex@apcontractinginc.com

Parcel Detail

Assessor's Parcel Number: 201 - 08 - 046F

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

10023 W. Mariposa Grande, Peoria, AZ 85383

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

Abandon easement bordering north and west side of parcel 201-08-046F.

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]

Signature of Applicant 2/1/22 Date

PAB Number: APN 201 - 08 - 046F

Initial Determination Fee*: $250.00
Check #: 535 Total Received: $250.00 Date: 2/2/22 Rec'd By: CR

* The Initial Determination fee is NOT refundable. Make checks payable to: MCDOT 2901 West Durango Street Phoenix, AZ 85009.
Maricopa County Department of Transportation  
2801 W. Durango Street Phoenix, AZ 85009  
Permit Receipt

**Payer Name:**  
ALEX PEREZ  
MIRNA PEREZ  
26799 N 97TH LN  
PEORIA, Arizona 85383

**Receipt #:** 100917  
**Payment Date:** 2/2/2022  
**Reference #:** APN 201-08-046F  
**Receipt Type:** Patent Easements

### Payment Items

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<td>535</td>
<td>$250.00</td>
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</tbody>
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**Total:** $250.00
LEGAL DESCRIPTION

AND EXHIBIT
Assessor Parcel No. 201-08-046F

That portion of the easement described in Patent 1209862, 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 N2 SW4 NE4 SE4 of said Section 08. EXCEPT the North 33 feet thereof.
PATENT EASEMENT ABANDON
FILE NO. PAB-0197

Section 08, T4N, R1E
W.O. No. P00102

FILE NO. PAB-0197

A.P.N. 201-08-046F
A.P.N. 201-08-046B
A.P.N. 201-08-046G

33'
33'
330'
660'

MARICOPA GRANDE

Pinnacle Peak Rd
Calle Lejos
Happy Valley Rd
107th Ave
103rd Ave
99th Ave

Area of Abandonment by PAB-0197
Part of Patent Easement 1209862

Pat Esmt 1209862