



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

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



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

2901 W. Durango Street • Phoenix, AZ 85009

Phone: (602) 506-4178

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: samuelblackman@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.

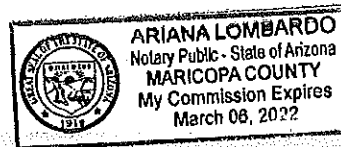
I certify, under penalty of perjury, that no loss of currently existing legal and physical access to any property will occur if the County grants the patent easement abandonment requested in this application.

- 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.

I, Samuel Blackman 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 28 day of December, 2021
Notary Public

My Commission Expires: March 06, 2022



Signature

Signature of Applicant: [Handwritten Signature]

Date: 12-28-2021

Maricopa County Use Only

Application Fee*: \$1,600
Check #: CC: 3921273015 Total Received: \$1350.00 Date: 1/5/22 Rec'd By: CR

*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

December 23, 2021

Samuel Blackman
17414 North 39th Avenue
Glendale, Arizona 85308

Engineering
2901 W. Durango Street
Phoenix, AZ 85009
Phone: 602-506-4889
Fax: 602-506-5969
www.mcdot.maricopa.gov

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

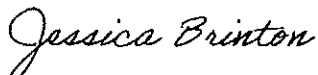
their original review position, which may affect the final recommendation on the application.

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>). Please contact me as indicated below with any additional questions.

Sincerely,



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

Unofficial 20 Document

RECORDING REQUESTED BY
DRIGGS TITLE AGENCY, INC.
WHEN RECORDED MAIL TO:
SAMUEL MITCHELL BLACKMAN
943 E Weber Dr
Tempe, AZ 85281

19
Yo.

ESCROW NO. 19-03-146521SR

2/3

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

Herb Caron

State of ARIZONA

}

} SS:

}

County of *Yavapai*

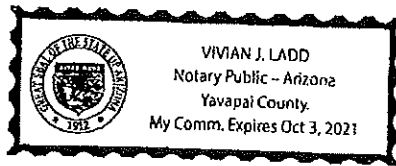
On March 13, 2019, before me the undersigned Notary Public, personally appeared Herb Caron, known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~~~they~~ executed the 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.

Unofficial Document

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

Payment Items

Description	Payment Type	Transaction #	Amount
PATENT EASEMENT // PAB-0191 // 1 X \$1,350.00= \$1,350.00	Credit Card	3821273015	\$1,350.00
Total:			\$1,350.00



Maricopa County
Department of Transportation

MCDOT Permits


Thank you for your payment.

Please print this receipt and keep it for your records.

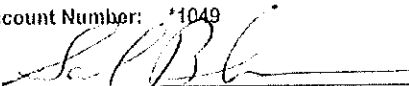
Clerk ID : RHODESC
Customer Name : SAMUEL BLACKMAN
Reference Number : PAB-0191

Product	Description	Payment Amount
Patent Easements	1	\$1,350.00
		Payment Amount: \$1,350.00

Receipt Number: 3821273015
Transaction Date: 01/05/2022 11:06 AM

Payment Type: 

Account Number: *1049

x 

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

PROOF OF OWNERSHIP

RECORDING REQUESTED BY
DRIGGS TITLE AGENCY, INC.
WHEN RECORDED MAIL TO:
SAMUEL MITCHELL BLACKMAN
943 E Weber Dr
Tempe, AZ 85281

19
Yo.

ESCROW NO. 19-03-146521SR

2/3

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

Herb Caron

State of ARIZONA

County of

Yavapai

}
} SS:
}

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.

Unofficial Document

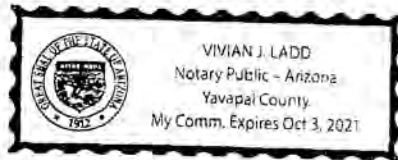
WITNESS my hand and official seal.

Signature

Vivian J. Ladd

My Commission Expires:

10/03/2021










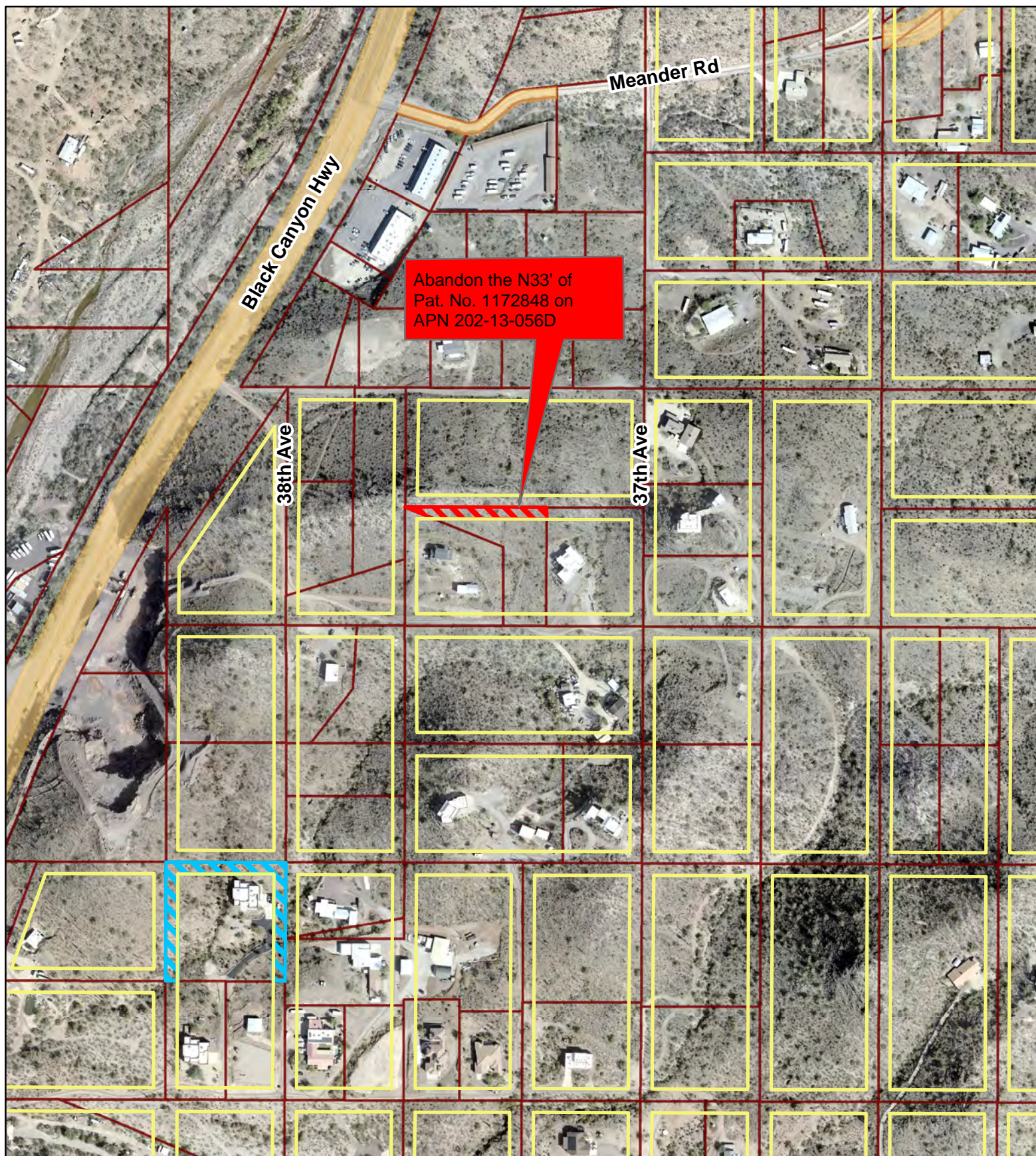
AERIAL EXHIBIT

PAB-0191

APN: 202-13-056D

Map Date: 1/10/22

Legend	
	Current PAB
	Lapsed
	Pending
	Abandoned
	Patent Easement Boundary
	Right of Way
	Parcel boundary



**INITIAL
DETERMINATION
REQUEST**



MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

2901 W. Durango Street • Phoenix, AZ 85009

Phone: (602) 506-4178

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 #: CC: \$819592723

Total Received: \$250.00

Date: 12/6/21

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
2901 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

Description	Payment Type	Transaction #	Amount
PATENT EASEMENT // APN 202-13-056D // 1X \$250.00= \$250.00	Credit Card	3819592723	\$250.00
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

Product	Description	Payment Amount
Patent Easements	1	\$250.00
		Payment Amount: \$250.00

Receipt Number: 3819592723

Transaction Date: 12/06/2021 12:42 PM

Payment Type:



Account Number: *1049

X

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

**LEGAL DESCRIPTION
AND EXHIBIT**

LEGAL DESCRIPTION
PAB-0191

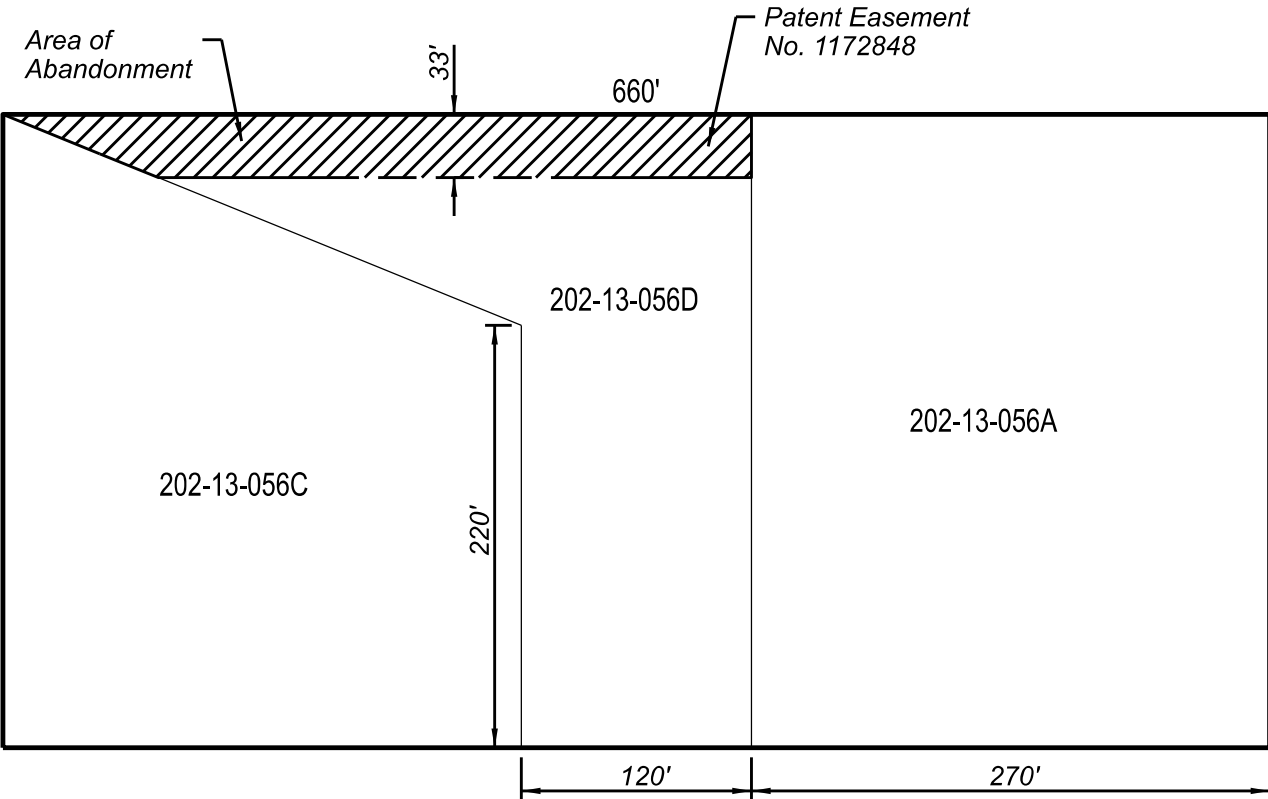
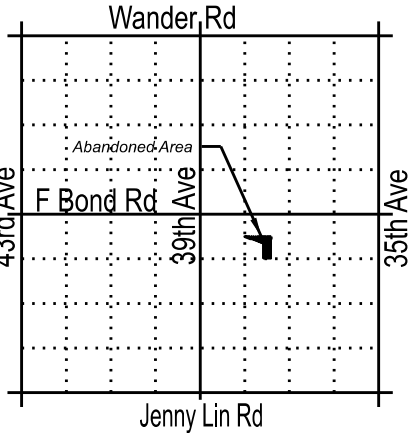
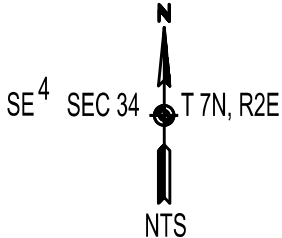
EXHIBIT "A"

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.

PATENT EASEMENT ABANDON FILE NO. PAB-0191



EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION