



Report to the Board of Supervisors

Prepared by the Maricopa County Department of Transportation

Case #/Title: PAB-0186 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 45914 North 37th Avenue, New River, Arizona 85087 and being identified as Assessor Parcel Number 202-13-021B.

Department Recommendation:

Having received no objection to the full abandonment MCDOT recommends the following: Abandon the West 33 feet of the North 185 feet of the South 482 feet of Lot 52 of said Section 34, Township 7 North, Range 2 East of the Gila and Salt River 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 October 2021, and results sent to the applicant in October 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.

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: David Dablemont **PAB Number:** 0186
Mailing Address: 45914 N. 37th Ave
City: New River **State:** AZ **Zip:** 85087
Phone (480) - 544 - 0516 **Email:** daviddablemont@gmail.com

Parcel Detail

Assessor's Parcel Number: 202 - 13 - 021B

- 1. Location of Request:** (ex: 3200 W. Dove Valley Road, Phoenix)
45914 N. 37th Ave, New River, AZ. 85087
- 2. Description of Request:** (ex: Abandon Easement bordering the South side of parcel 123-45-067A)
Abandon easement bordering the West side of parcel 202-13-021B
- 3. Applicant is** _____ **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** _____ **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, _____ 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 _____ My Commission Expires:
_____ day of _____, 20_____

Notary Public

Signature

[Handwritten Signature]
Signature of Applicant

11-10-2021
Date

Maricopa County Use Only

Application Fee*: \$1,600	Total Received: <u>A 1350.00</u>	Date: <u>1/5/22</u>	Rec'd By: <u>CR</u>
Check # <u>CC 3821290336</u>			

*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.

Chase
Land Transactions (LA4-4557)
780 Kansas Lane
Monroe, LA 71203
(800) 848-9136 Customer Care
(800) 582-0542 TDD Telephone
(318) 550-3342 Facsimile



December 28, 2021

DAVID A DABLEMONT
45914 N 37TH AVE
NEW RIVER, AZ 85087

Re: Vacating Easement
Borrower(s): DAVID A DABLEMONT
Property Address: 45914 N 37TH AVE, NEW RIVER, AZ 85087

Dear Mr. Dablemont,

Chase has reviewed your request to Vacate the Federal Patent Easement on the property identified as Assessor Parcel Number 202-13-021B, tracking number PAB-0186, and have concluded that we No Objection.

If you have any questions, please contact me using the information below, and I'll be happy to assist you. We appreciate your cooperation in helping us provide you with convenient, reliable service.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Wells".

Lisa Wells
Sr. Analyst/Land Transactions
318-432-6780



Maricopa County Department of Transportation
2901 W. Durango Street Phoenix, AZ 85009

Permit Receipt

Payer Name:

DAVID DABLEMONT
45914 N 37TH AVE
NEW RIVER, Arizona 85087

Receipt #:

100889

Payment Date:

1/5/2022

Reference #:

PAB-0186

Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
PATENT EASEMENTS // PAB-0186 // 1 X \$1,350.00= \$1,350.00	Credit Card	3821290336	\$1,350.00

Total: \$1,350.00



MCDOT

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 : DAVID DABLEMONT
Reference Number : PAB-0186

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

Receipt Number: 3821290336
Transaction Date: 01/05/2022 02:30 PM

Payment Type:



Account Number: *0185

x David A Dablemont Digitally signed by David A Dablemont
DN: C=US, E=DavidDablemont@gmail.com, O=David A Dablemont
Date: 2022.01.05 15:53:13-0700

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

PROOF OF OWNERSHIP

Unofficial 20 Document

16
Ga

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFTER RECORDING MAIL TO:
David A. Dablemont
45914 North 37th Avenue
New River, AZ 85087

MAIL TAX STATEMENTS TO:
David A. Dablemont
45914 North 37th Avenue
New River, AZ 85087

RECORDING REQUESTED BY:
David A. Dablemont
45914 North 37th Avenue
New River, AZ 85087

QUITCLAIM DEED

FOR A GOOD AND VALUABLE CONSIDERATION, I or we,

David A. Dablemont, an unmarried man, and Buffi J. Dablemont, an unmarried woman, who acquired title as husband and wife as community property with right of survivorship, and not as tenants in common or as joint tenants, GRANTOR,

WHOSE mailing address is 45914 North 37th Avenue, New River, AZ 85087,

DO HEREBY QUITCLAIM TO:

David A. Dablemont, an unmarried man, GRANTEE,

WHOSE mailing address is 45914 North 37th Avenue, New River, AZ 85087,

ALL RIGHT, title or interest to the real property located in the County of Maricopa, State of Arizona, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Site Address: 45914 North 37th Avenue
New River, AZ 85087

Assessor's Parcel Number: 202-13-021B3

Prior Recorded Doc. Ref.: Deed: Recorded: June 3, 2014; Doc. No. 2014-0363114

Pursuant to judgment of divorce dated September 26, 2019 in Maricopa County as Case No. FC2019-006077

EXEMPT: per A.R.S. §11-1134 A5.

SUBJECT TO Restrictions, Conditions, Covenants, Rights, Rights of Way, and easements now of record, if any.

PRO

69178600QDXXV010104



(Attached to and becoming a part of Quitclaim Deed dated 1/14/21 between David A. Dablemont, an unmarried man, and Buffi J. Dablemont, an unmarried woman, who acquired title as husband and wife as community property with right of survivorship, and not as tenants in common or as joint tenants, as Seller(s) and David A. Dablemont, an unmarried man, as Purchaser(s).)

WITNESS my/our hand(s), this 14th day of January, 2021.
[Signature]
Buffi J. Dablemont

STATE OF Arizona)
COUNTY OF Maricopa)
SS

The foregoing instrument was acknowledged before me this 14th day of January, 2021, by Buffi J. Dablemont.

NOTARY STAMP/SEAL



[Signature]
Notary Public
My Commission Expires: 02/24/24

Unofficial Document



(Attached to and becoming a part of Quitclaim Deed dated January 19, 2021 between David A. Dablemont, an unmarried man, and Buffi J. Dablemont, an unmarried woman, who acquired title as husband and wife as community property with right of survivorship, and not as tenants in common or as joint tenants, as Seller(s) and David A. Dablemont, an unmarried man, as Purchaser(s).)

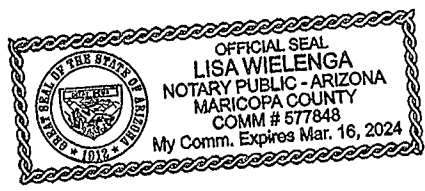
WITNESS my/our hand(s), this 19th day of January, 2021.

[Signature]
David A. Dablemont

STATE OF Arizona)
COUNTY OF Maricopa)
SS

The foregoing instrument was acknowledged before me this 19th day of January, 2021, by David A. Dablemont.

NOTARY STAMP/SEAL



[Signature]
Notary Public
My Commission Expires: March 16, 2024

Unofficial Document



EXHIBIT "A"
LEGAL DESCRIPTION

Land situated in the County of Maricopa in the State of AZ

PARCEL NO. 1:

LOT 52B, AS SHOWN IN BOOK 1158 OF MAPS, PAGE 9, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 89 DEGREES 54 MINUTES 00 SECONDS WEST, THE BASIS OF BEARING FOR THIS LEGAL DESCRIPTION, A DISTANCE OF 2641.40 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, 1320.70 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 32 SECONDS EAST, 297.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 54 MINUTES 00 SECONDS WEST, 330.23 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 54 SECONDS EAST, 184.85 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 02 SECONDS EAST 330.26 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 32 SECONDS WEST, 184.86 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:

AN EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN DOCUMENT RECORDED MAY 14, 2014 IN RECORDER'S NO. 2014-0312743 AND RE-RECORDED MAY 29, 2014 IN RECORDER'S NO. 2014-0349438.

Unofficial Document

PRO

69178600QDXXV010404











AERIAL EXHIBIT

PAB-0186

APN: 202-13-021B

Map Date: 1/5/22

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



**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: David Dablemont

Mailing Address: 45914 N. 37th Ave

City: New River **State:** AZ **Zip:** 85087

Phone (480) - 544 - 0516 **Email:** daviddablemont@gmial.com

Parcel Detail

Assessor's Parcel Number: 202-1 - _____ - _____

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

45914 N. 37th Ave, New River, AZ. 85087

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

Abondon easement bordering the West side of parcel 202-13-021B

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 of Applicant

Signature

10-1-2021

Date

Maricopa County Use Only

PAB Number: <u>202-13-021B</u>			
Initial Determination Fee*: \$250.00			
Check #: <u>cc: 3815185316</u>	Total Received: <u>\$250.00</u>	Date: <u>10/1/21</u>	Rec'd By: <u>CR</u>

* 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:

DAVID DABLEMONT
45914 N 37TH AVE
NEW RIVER, Arizona 85087

Receipt #:

100770

Payment Date:

10/1/2021

Reference #:

APN- 202-13-021B

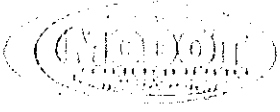
Receipt Type:

Patent Easements

Payment Items

Description	Payment Type	Transaction #	Amount
PATENT EASEMENT // APN- 202-13-021B // 1 X \$250.00 = \$250.00	Credit Card	3815185316	\$250.00

Total: \$250.00



MASSDOT

Commonwealth of Massachusetts
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 : DAVID A DABLEMONI
Reference Number : APN-202-13-021B

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

Receipt Number: 3815185316
Transaction Date: 10/01/2021 03:58 PM

Payment Type:

Account Number: *3155

[Signature]

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-0186

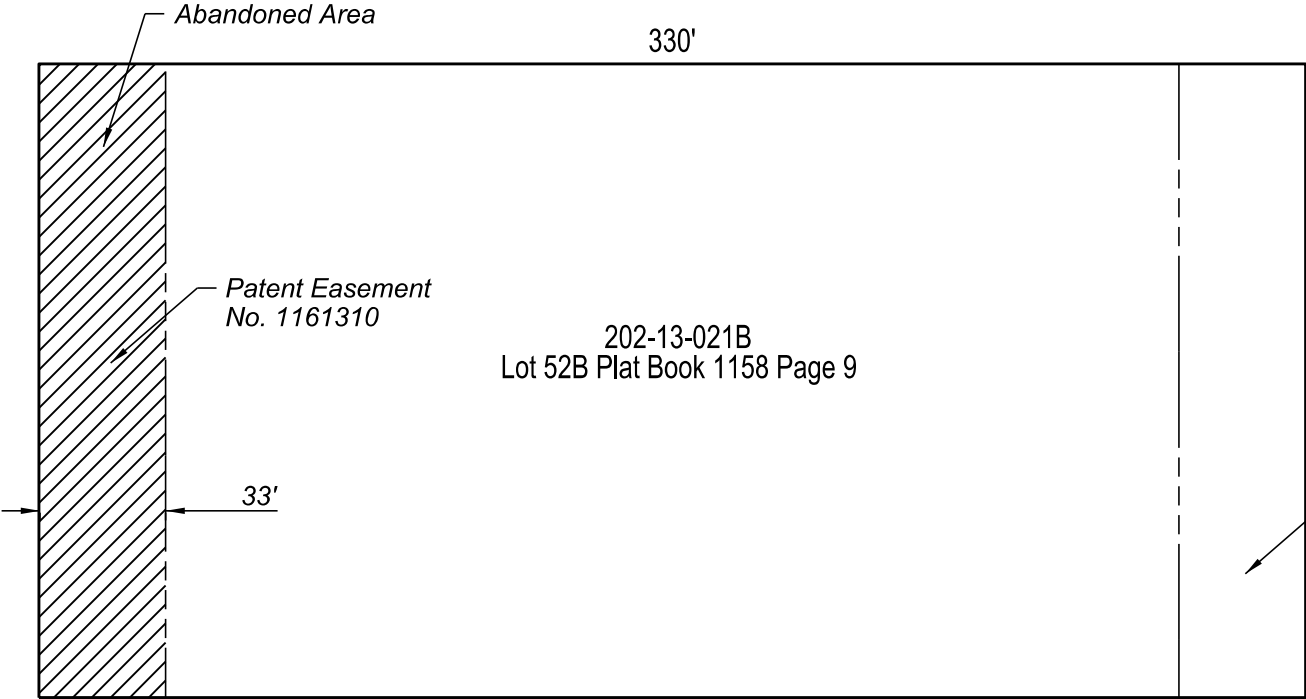
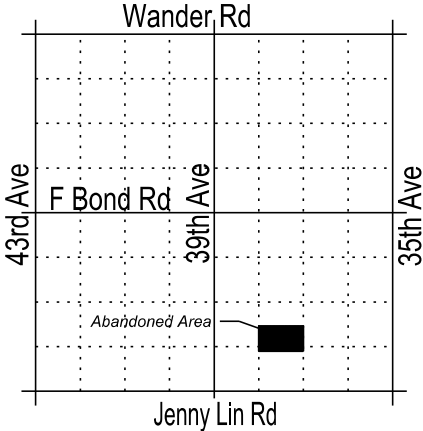
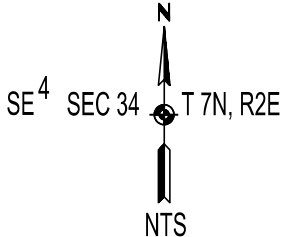
EXHIBIT "A"

Assessor Parcel No. 202-13-021B

That portion of the easement described in Patent 1161310, lying in the Southeast quarter of Section 34 – T7N, R2E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 33 feet of the North 185 feet of the South 482 feet of Lot 52 of said Section 34, Township 7 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

PATENT EASEMENT ABANDON
FILE NO. PAB-0186



EXHIBIT

MARICOPA COUNTY - REAL ESTATE DIVISION