

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
ADRIAN FONTES
2019-0123722 02/22/19 04:09
PAPER RECORDING

0181114-6-5-4
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CAPTION HEADING:

Patent Easement Abandonment
(Road File PAB-0089)
(C-64-19-074-M-01)

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COUNTY OF MARICOPA
State of Arizona

Office of the Clerk
Board of Supervisors

State of Arizona) ss.
County of Maricopa)

I, Fran McCarroll, Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on February 13, 2019:

9. PATENT EASEMENT ABANDONMENT: ROAD FILE NO. PAB-0089

Convene a hearing for Road File No. PAB-0089 to consider the request to abandon a portion of a Federal Patent Easement Number #1150143 lying in the Northwest quarter of Section 6 – T4N, R3E of the Gila and Salt River Meridian, Maricopa County, Arizona. General vicinity of 17th Avenue and Briles Road, and known as Assessor Parcel 210-11-015Q. Notice conditions and the request for comment requirements have been met.

Therefore, pursuant to provisions in A.R.S. §11-251.16, Maricopa County Ordinance No. P-34 and Maricopa County Department of Transportation Procedure # P5203, it is recommended by the Department of Transportation Director, that the Board of Supervisors resolves to abandon a portion of a Federal Patent Easement, Road File No. PAB-0089. Legal description of the easement to be abandoned is identified as Exhibit "A." In addition, direct the Clerk of the Board to record the Board of Supervisors resolution with the County Recorder. Supervisory District No. 3 (C-64-19-074-M-01)

Motion to approve by Supervisor Gallardo, seconded by Supervisor Hickman

Ayes: Chucuri, Gates, Hickman, Gallardo



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on February 21, 2019.

A handwritten signature in blue ink, reading "Fran McCarroll".

Clerk of the Board of Supervisors

RESOLUTION
PATENT EASEMENT ABANDONMENT PAB-0089
C-64-19-074-M-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A PORTION OF A FEDERAL PATENT EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND ABANDONING THAT EASEMENT.

WHEREAS, pursuant to the Small Tract Act of 1938, a 33 foot wide patent easement located in the general vicinity of 17th Avenue and Briles Road was reserved for roadway and public utilities purposes in Patent Number 1150143; and

WHEREAS, a proposal requesting the abandonment of a portion of a patent easement has been submitted to Maricopa County; and

WHEREAS, pursuant to A.R.S §11-251.16(A), Maricopa County has notified all affected utilities; and

WHEREAS, Maricopa County has not received objection to the proposal from any utility; and

WHEREAS, pursuant to A.R.S §11-251.16(B), Maricopa County has given written notice to all property owners of the land abutting the easement or portion thereof to be abandoned; and

WHEREAS, pursuant to A.R.S §11-251.16(B), Maricopa County has posted a copy of the notice at or in the immediate vicinity of the proposed abandonment; and

WHEREAS, Maricopa County has not received objection to the proposal from a majority of landowners or from Arizona State Land, Bureau of Land Management, Municipality or Tribal Reservation who owns land abutting the proposed abandonment; and

WHEREAS, it has been determined by Maricopa County that the portion of the patent easement proposed for abandonment is not being used by the public and is no longer necessary and recommends that it would be in the best interest of the public that the proposed abandonment be approved; and

WHEREAS, a legal description of the portion of the patent easement to be abandoned, identified as Exhibit "A", is attached; and

WHEREAS, Maricopa County is authorized to abandon patent easements as described in Exhibit "A", pursuant to A.R.S. §11-251.16(A)

**RESOLUTION
ROAD FILE PAB-0089
C-64- C-64-19-074-M-01
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BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the portion of the patent easement as described in Exhibit "A" is not being used by the public and no longer necessary.

BE IT FURTHER RESOLVED the portion of the patent easement as described in Exhibit "A" is hereby extinguished.


BE IT FURTHER RESOLVED that this resolution does not abandon a roadway that was granted under revised statute 2477 (43 United States Code section 932) that was enacted by the United States Congress in 1986.

BE IT FURTHER RESOLVED that pursuant to statute ARS §28-7210 existing easements are not abandoned as related to 1) sewer, gas, water or similar pipelines and appurtenances, 2) canals, laterals or ditches and appurtenances, and 3) electric, telephone and similar lines and appurtenances.

PASSED AND ADOPTED by the Board of Supervisors, Maricopa County, Arizona, this

13th day of February, 2019.

ATTEST:

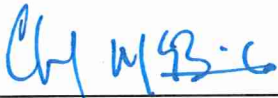


Chairman of the Board of Supervisors
Maricopa County



Fran McCarroll
Clerk of the Board

APPROVED AS TO FORM and within the powers and authority granted under the laws of the State of Arizona and Maricopa County



Legal Counsel

LEGAL DESCRIPTION
PAB-0089

EXHIBIT "A"

Assessor Parcel No. 210-11-015Q

That portion of the easement described in Patent 1150143, lying in the Northwest quarter of Section 6 – T4N, R3E, of the Gila and Salt River Meridian, Maricopa County, Arizona being described as follows:

The West 21 feet of the East 33 feet of the North 352 feet of G.L.O. Lot 20 of said Section 6;
EXCEPT the North 90 feet thereof.

PATENT EASEMENT ABANDON FILE NO. PAB-0089

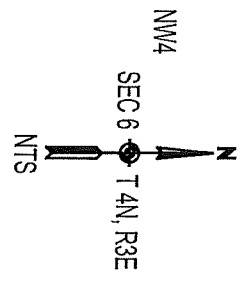
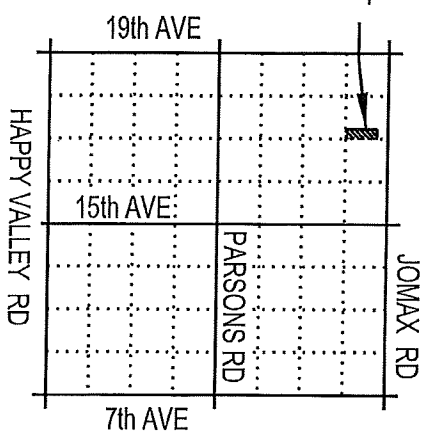
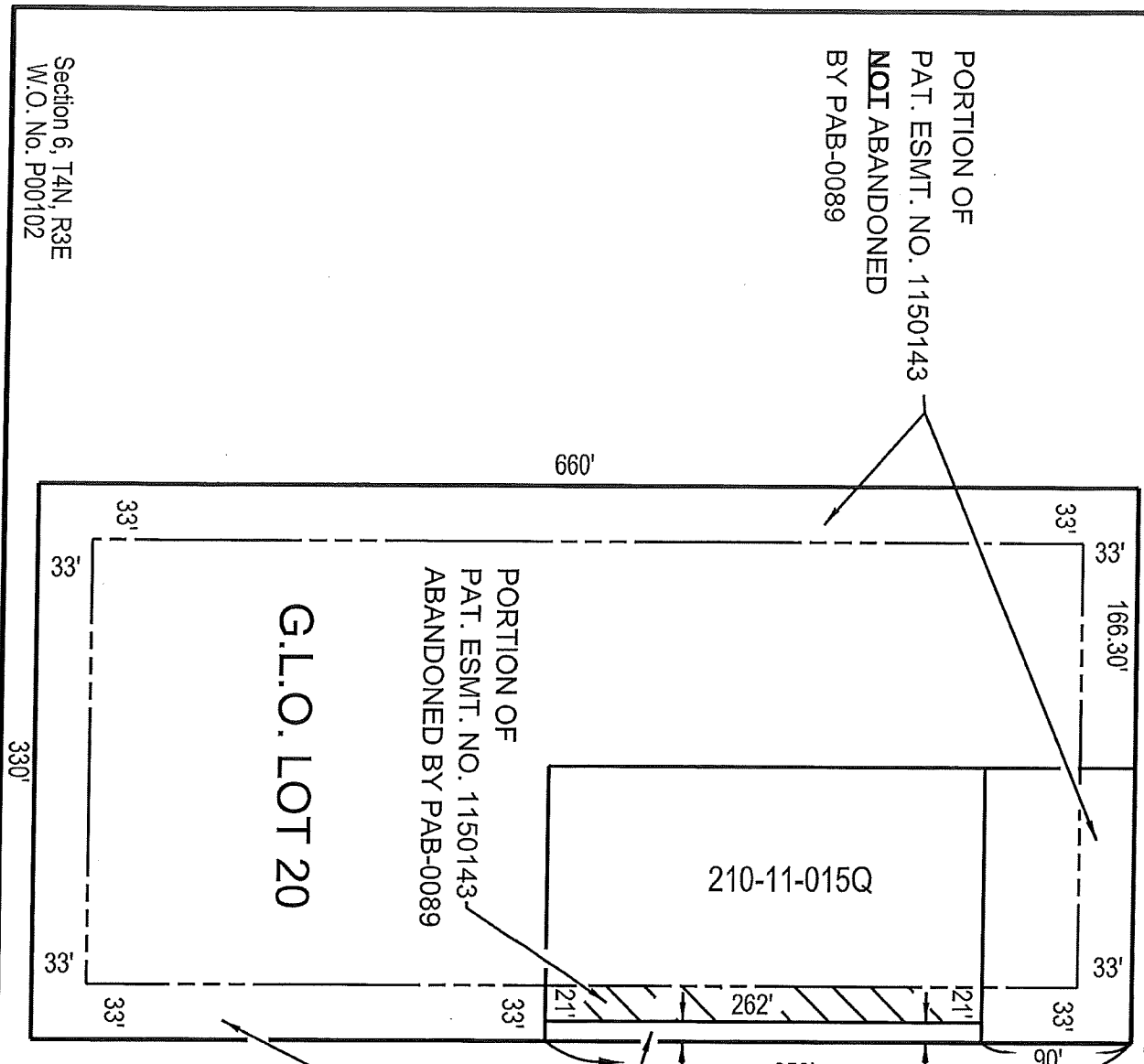
PORTION OF
PAT. ESMT. NO. 1150143
NOT ABANDONED
BY PAB-0089

PORTION OF
PAT. ESMT. NO. 1150143
ABANDONED BY PAB-0089

PORTION OF
PAT. ESMT. NO. 1150143
NOT ABANDONED
BY PAB-0089

G.L.O. LOT 20

210-11-015Q



Section 6, T4N, R3E
W.O. No. P00102

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EXHIBIT