Instructions for Obtaining an Affidavit of Agreement to Encroach into Property Line Setback (Wastewater Disposal)

A 50-foot setback from onsite waste water systems to undeveloped property lines is required in areas in which water is supplied by individual wells (a 100 feet setback is required to all wells). When this setback cannot be met an alternative is to have your neighbor sign a legal agreement allowing your onsite wastewater system to encroach upon his property line. This agreement may have the effect of limiting your neighbor’s ability to develop his/her property in the vicinity of your onsite wastewater system, as all wells must be 100’ from all septic system components.

Procedure:

1. Complete the form. The information requested in blanks 1 through 5 applies to the property being encroached upon. The information requested in blanks 6 through 9 refer to the property on which the new wastewater system is proposed to be constructed.
2. The property owner referenced in blank 1 must sign and date the affidavit in blanks 10 and 11 in the presence of a Notary Public, fill in the name of the property owner on blank 12 and address on blank 13. The form must be notarized.
3. Take the completed form to the Yavapai County Recorder’s Office (1015 Fair Street, Prescott, AZ or 10 S. 6th Street, Cottonwood, AZ) and have it recorded. There is a fee for this service.
4. Have the Recorder’s Office send the recorded document to Yavapai County Development Services– Environmental Unit via interoffice mail (7 to 10 business days) or you may hand-carry it to us. If you choose to hand carry ask for a copy for Development Services. There will not be a charge for the copy. (There will be a charge for a copy for your file if you need one).
5. The affidavit will then be scanned and attached to the computer records of the parcel number referred to on blank 6.

Thank you.
AFFIDAVIT OF AGREEMENT
To Encroachment into Property Line Setback (Wastewater Disposal)

I, ________________________________________, owner of record of Assessor’s Parcel Number (APN) ______________________________________, and located in Section ________, Township ________, and Range ________, agree to the wastewater disposal system or its replacement serving APN ______________________________________ and located in Section ________, Township ________, and Range ________, being placed in such manner as to encroach with in the 50-foot setback from property lines as required by the Arizona Department of Environmental Quality Rules (Arizona Administrative Code R18-9-A312C).

I understand that my agreement to this encroachment may limit my ability to install a water well on my property as I will be required by the Arizona Department of Water Resources to maintain a minimum of 100 feet between the well and all sewage disposal systems. Should I sell this property, I agree to inform the purchaser in writing of this limitation.

I have read this affidavit and understand its meaning and its impact upon the potential development of my property.

Signature:________________________________________ Date:____________________

Name(s):________________________________________

Address:________________________________________

This instrument was acknowledged before me:
State of Arizona )
County of ______________ )

On this ______ day of ____________________, 20____, before me personally appeared ____________________________________(person named in blank ), whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above document.

Notary Seal:___________________________

Notary Public

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