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

A 50-foot setback from wells to property lines is required by the Yavapai County Water Well Code. When this setback cannot be met an alternative is to have your neighbor sign a legal agreement allowing your water well to encroach upon their property line. This agreement may have the effect of limiting your neighbor’s ability to develop his property in the vicinity of your water well, as all onsite wastewater systems must be 100’ from all wells.

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 water well is proposed to be drilled.
2. The property owner referenced in blank 1 must sign and date the affidavit on 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 (Wells)

I, _____________________________________ 1, owner of record of Assessor’s Parcel Number (APN) ___________________________________ 2 and legal description Section________ 3, Township________ 4, and Range________ 5 agree to the water well serving APN___________________________________ 6 located in Section_________ 7,Township________ 8, and Range________ 9 being placed in such manner as to encroach within the 50-foot setback from property lines as required by the Yavapai County Water Well Code.

I understand that my agreement to this encroachment may limit my ability to install an onsite wastewater system on my property as I will be required by the Arizona Department of Environmental Quality to maintain a minimum of 100 feet between said well and all onsite wastewater 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:________________________________________ 10 Date:________________________ 11

Name(s):________________________________________________ 12

Address:______________________________________________________ 13

This instrument was acknowledged before me:
State of Arizona )

County of _________________ )

On this ______ day of ______________________, 20____, before me personally appeared ______________________ (person named in blank 1), 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