



**MARICOPA COUNTY ENVIRONMENTAL SERVICE DEPARTMENT  
WATER & WASTE MANAGEMENT DIVISION  
ONSITE WASTEWATER SYSTEMS PROGRAM**

1001 North Central Avenue, Suite 150, Phoenix, AZ 85004

Phone: (602) 506-6666 Fax: (602) 506-6925

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## **INSTRUCTIONS FOR OBTAINING AN AFFIDAVIT OF AGREEMENT TO ENCROACH INTO PROPERTY LINE SETBACK (WASTEWATER DISPOSAL)**

A setback of 50 feet from onsite wastewater treatment facilities (septic systems) to undeveloped property lines is required in areas where water is supplied by individual wells. When this setback cannot be met, an alternative is to have your neighbor sign a legal agreement allowing your onsite wastewater treatment facility to encroach upon his/her property line setback. 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, since all wells must remain 100 feet from all septic system components.

### **Procedure:**

1. The property owner allowing the encroachment must complete the affidavit. The information requested on lines 1 and 3 applies to the property being encroached upon (neighboring property). The information requested on lines 5 and 7 refer to the property on which the proposed onsite wastewater system is to be installed.
2. In the presence of a notary public, the property owner referenced in lines 1 and 3 must sign on line 20, date the affidavit on line 22 and print his/her name and address on lines 25 and 28. Notarize the form.
3. Record the completed form with the Maricopa County Recorder's Office located at 1111 West Jefferson St, Phoenix or at a Recording Kiosk location. There is a fee for this service. The turnaround time for a recorded document varies, and can take up to 6 weeks.
4. If you cannot wait for the Recorder's Office to send official recorded documents, you can ask for a certified copy at the Recorder's intake counter. There is an additional fee to obtain the certified copy of the recorded document. You may hand-carry the certified copy to MCESD. The Recording Number and/or certificate number and the affidavit will be added to the NOID application file.



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**AFFIDAVIT OF AGREEMENT TO ENCROACH INTO PROPERTY LINE SETBACK  
 (WASTEWATER DISPOSAL)**

1 I, \_\_\_\_\_, owner of record of Assessor's Parcel Number (APN)  
 2  
 3 \_\_\_\_\_ and legal description Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_  
 4  
 5 agree to the wastewater disposal system or its replacement serving APN \_\_\_\_\_  
 6  
 7 and legal description Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ being placed in such a  
 8  
 9 manner as to encroach within the property line setback of 50 feet as required by the Arizona  
 10 Department of Environmental Quality.

11  
 12 I understand that my agreement to this encroachment may limit my ability to install a water  
 13 well on my property since I will be required by the Arizona Department of Water Resources  
 14 to maintain a minimum of 100 feet between the well and all sewage disposal systems. Should  
 15 I sell this property, I agree to inform the purchaser in writing of this limitation.

16  
 17 I have read this affidavit and do understand its meaning and its impact on the potential  
 18 development of my property.

19  
 20 Signature(s) \_\_\_\_\_

21  
 22 Date \_\_\_\_\_

23  
 24  
 25 Name(s) \_\_\_\_\_

26  
 27  
 28 Address \_\_\_\_\_

29  
 30  
 31 This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

32  
 33 My commission expires \_\_\_\_\_

34  
 35  
 36 Notary Public \_\_\_\_\_