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

A 50-foot setback from onsite wastewater 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. Submit the recorded document through the web portal at <https://www.citizenserve.com/yavapaicounty>

Thank you.



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

I, _____¹, owner of record of Assessor's Parcel Number (APN)

_____² and located in Section _____³, Township _____⁴, and

Range _____⁵ agree to the wastewater disposal system or its replacement serving

APN _____⁶ and 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 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 on 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