



Private Utility Easement Agreement – Complete Packet

Documents Include:

1. TRT 00064, CMOD Packet Cover Page
2. City of Phoenix Water and Sewer policy for building sites and packet instructions
 - **READ IN ITS ENTIRETY TO AVOID DELAYS**
3. Private Utility Easement Instructions and Sample Agreement
 - **IT IS HIGHLY RECOMMENDED THAT THE APPLICANT USE THE INCLUDED SAMPLE FOR RECORDATION PURPOSES IF APPLICANT IS UNFAMILIAR WITH THE MARICOPA COUNTY RECORDING PROCESS.**

Issue Date	January 2002; Rev. November 2019
Code Section	2017 UPC 307.1 & 721.0, 2012 IPC 701.3, 2018 IBC 104.12.1.1 Phoenix Code Sections 28-29 (C) Sewers & Section 37-40 and 37-48 Water
Approved:	Technical Review Team
Developed by:	David McCarthy

City Code and Policy requires that all building sites shall tie directly into city services without sharing common private sewers or routing domestic water and fire lines through interior property lines or parcels. If a lot does not already have public services, the developer shall extend public water/sewer to each lot and initiate plans for main extensions. **It is the developer's burden to document why this might be technically infeasible, not financially expensive.**

If public services are unavailable fronting each parcel and public services are not required by the Planning & Development Department (PDD) Civil Division or the Water Services Department to be extended within a public right-of-way or a public utility easement, then private utility easements, private maintenance agreements, and City of Phoenix approval via a "Modification from the Construction Code" under Section 104.10 & 104.12.1.1 may be considered as an alternate solution.

The procedure for the Planning & Development Department Building Official to consider approving private utilities through adjacent private lots is as follows:

- A. A City of Phoenix Water Services Department approval of easement is required before any new Building Code Modification for Utilities Crossing Property Lines can be processed through PDD. Attach copy of Water Department approval letter to CMOD packet.**
- B.** Apply for a "Modification from the Construction Code" with the Planning & Development Department. Your application shall identify why the site(s) affected are not able to comply with UPC Sections 308.1 & 721, or section IPC 701.3, and Phoenix Codes, Sections 28-29(c) (Sewers) and Section 37-40 and 37-48 (Water) which requires independent public services to each individual lot. Your application shall be accompanied by a completed and applicable Items B through E below.
- C.** Customer provides a copy of the recorded plat showing private utility easement locations, width and uses serving all parcels. (i.e., sewer, water, fire lines, etc.) In lieu of a plat, customer may record a private utility easement **after** approval by the Building Official. See included Private Utility Easement Sample for required format and legal descriptions.
- D.** Provide a copy of a maintenance agreement identifying who or what entity is responsible for maintaining the proposed private sewer, water or fire service lines within the private utility easements for all parcels affected. The customer will record this agreement **after** approval by the Building Official.
- E.** Provide a copy of the onsite sewer, water, and fire service line construction plans showing all the private and/or public utility alignments from the public right-of-way which are to be located within the private utility easements for all parcels effected.

If the "Modification from the Construction Code" is approved, associated code compliance for onsite private utility plans can then be approved after all documentation is recorded. A copy of the approved "Modification from the Construction Code" will be attached to the Field and City sets of construction drawings and the original approved copy will be maintained within Planning & Development Department Records.



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Private Utility Easement Instructions & Sample Agreement

Use of a Private Utility Easement requires a modification to the Building Code - A code modification request for a private utility easement must be conceptually reviewed by the Planning & Development Mechanical & Plumbing Technical Lead prior to being reviewed for final decision by the Building Official.

Instructions:

1. In the following order, apply for and prepare the following for your online application code modification submittal:
 - A technical appeal approval letter from the Water Services Department.
 - Application here: [Appeal Application – Water and Sewer](#) – Planning & Development TRT 00074
 - Private utility easement agreement
 - Online version here: [CMOD Packet – Private Utility Easement Agreement](#) – Planning & Development TRT 00064
 - If replicated, **do not** change any of the agreement language or restrictions.
 - A copy of this agreement is included on the following pages.
 - Grantor and grantee must sign and have signatures notarized
 - Include property addresses, Assessor's Parcel Numbers, and metes and bounds legal descriptions of the parcels; sealed by an Arizona Licensed civil engineer or surveyor
 - On the exhibit pages:
 - include a simple drawing of the parcel(s) and the associated APN's
 - A private utility ***maintenance*** agreement between the grantor and grantee
2. Once you have an approval letter from the Water Services Department and the private utility easement agreement is signed and notarized by both the grantor and grantee:
 - Apply online for a utility easement type code modification at [Shape PHX Customer Portal - https://shapephx.phoenix.gov/s/](https://shapephx.phoenix.gov/s/)
 - Upload the utility easement agreement, maintenance agreement, Water Services Department approval letter and other supporting documents as part of your evidence
3. Once submitted and the application review results in a recommendation of "Approved", the building official will apply their notarized signature to the private utility easement agreement.
4. Thereafter, the private utility easement agreement and its supporting documents will be returned to the applicant for recording with Maricopa County.
5. After recording, the applicant emails recorded documents to pdd_building_official@phoenix.gov within (5) days. Once the recorded copies have been received, the code modification application will be finalized and returned to the applicant.

For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 voice or TTY use 7-1-1.

PRIVATE UTILITY EASEMENT AGREEMENT

Code Modification Application Number:

DO NOT REMOVE.

THIS IS PART OF THE OFFICIAL DOCUMENT.

PRIVATE UTILITY EASEMENT AGREEMENT

_____ (“Grantor”),
as owner of the property more particularly described on **Exhibit A**, for and in consideration of the sum of ONE DOLLAR and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does

hereby grant to _____ (“Grantee”),
as owner of the property more particularly described on **Exhibit B**, its successors and assigns, a perpetual, non-exclusive easement for a private (water, sewer, or fire) _____ line over that portion of land located in Maricopa County, Arizona, that is more particularly described on **Exhibit C** attached hereto.

This easement is granted at the request of and for the benefit of the Grantee to allow installation and maintenance of a private (water, sewer, or fire) _____ line to cross property lines to benefit the following address/Assessor’s Parcel Number(s):

Benefiting Property Address: _____

Assessor’s Parcel Number(s): _____

This easement shall run with the land and shall not be revised or extinguished except with the express written agreement of the City of Phoenix Building Official.

This easement shall not be amended or abandoned unless the City of Phoenix Building Official certifies that all buildings have been made to fully comply with the applicable provision of the Phoenix Construction Code without need for this easement.

NOTARY & SIGNATURE PAGE

DATED this _____ day of _____, 20 ____.

Signature(s) of property owner(s) granting the easement

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Acknowledged before me this _____ day of _____, 20____

by _____

Notary Public Signature

Commission Expires

Private Utility Easement over (Legal Description of encumbered property) accepted and approved on this _____, day of _____, 20____.

CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT

By: City of Phoenix Building Official Signature

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Acknowledged before me this _____ day of _____, 20____

by _____

Notary Public Signature

Commission Expires

EXHIBIT A

Metes and Bounds Legal Description of Grantor's Property

- Attach a simple drawing showing the parcels and APNs; signed and sealed by an Arizona licensed civil engineer or surveyor

Grantor APN number: _____

Grantor Address: _____

EXHIBIT B

Metes and Bounds Legal Description of Grantee's Property

- Attach a simple drawing showing the parcels and APNs; signed and sealed by an Arizona licensed civil engineer or surveyor

Grantee APN number: _____

Grantee Address: _____

EXHIBIT C

Metes and Bounds Legal Description of Easement Area

- Attach a simple drawing showing the location & configuration of the easement area(s); signed and sealed by an Arizona licensed civil engineer or surveyor

Grantor APN number: _____

Grantor Address: _____

Grantee APN number: _____

Grantee Address: _____
