



This packet contains the following forms/documents:

- Code Modification, Water/Sewer Application
- Private Utility Easement Sample

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.

**Reference Phoenix Building Construction Code
Administrative Provisions Section 104.9**

ADMINISTRATIVE REVIEW **INTERPRETATION** **MODIFICATION**

DATE

INITIALS FOR LOG IN ONLY

CMOD NO

Tech Lead Initial _____ Reviewer Initial _____ Fee Code _____ Log in Date _____

PROJECT NAME	PROJECT ADDRESS (EXACT)	PROJECT NO
OWNERS NAME	ADDRESS ZIP CODE	PHONE
APPLICANT'S NAME (NOT COMPANY NAME)	APPLICANT'S ADDRESS SUITE NUMBER	PHONE

RELATIONSHIP TO PROJECT AND COMPANY NAME	PDD STAFF FAMILIAR WITH PROJECT
--	---------------------------------

A request is hereby made for an appeal, interpretation or modification related to Section(s) IBC 104.10, UPC 308.0 and 721.0 and IPC 701.3 of the Construction Code, which require(s) that: **(use attachment if necessary): "No building or sewer or water service shall be built across a recorded property line"**

State the precise relief, remedy, or result requested: **(use attachment if necessary): To allow sewer or water service to be built across a recorded property line.**

State the factual and/or legal basis for the appeal, interpretation, or modification. If a modification is requested, include the reason(s) why the proposed modification of the code meets the intent of the code: **(use attachment if necessary): Establish a private utility easement on a format approved by the city of Phoenix and recorded on the affected properties.**

If applicant is not the owner or the owner's architect or engineer, owner's signature must appear on line above Applicant's Signature Title

FOR CITY USE ONLY

Approved Approved with Stipulations Denied

Hearing Attendees:

DATE

BUILDING OFFICIAL

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.** Water Services Department approval 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” at 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 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 of the private an/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 Sample

Instructions:

1. Use of a Private Utility Easement requires a modification to the Building Code. This modification application must be submitted and conceptually approved before the easement is signed or recorded.
2. This is a sample document which must be completed with all the required names and legal descriptions. This includes the **legal address and Assessor's Parcel Number(s)**. DO NOT change any of the easement language or restrictions. The top margin of the first and second pages must be 2 inches. A horizontal line at the 2" mark must separate the text from the top margin as shown below. On the signature/notary page eliminate the title.
3. After completing Steps 1 and 2 of the instructions above, the easement grantor must sign the document and have his/her signature(s) notarized, then meet with the Building Official to submit the signed easement for final acceptance, review and Building Official signature.
4. The applicant must then record the document at the Maricopa County Recorder's Office and immediately return the recorded document to the Building Official for completion of the Building Code Modification application.
5. Contact the Building Official at 602-495-0821 to arrange times to meet in order to complete the above steps and to assist with any questions you may have about the modification process.

PRIVATE UTILITY EASEMENT

Modification No: _____

DO NOT REMOVE

This is part of the official document

PRIVATE UTILITY EASEMENT

_____ (“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 _____
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 _____ 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.

City of Phoenix Planning & Development Department

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

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

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Acknowledged before me this _____ day of _____, 20____

by _____

Notary Public

Commission Expires

EXHIBIT A

Legal Description of Grantor's Property (Please attach and label description and map if applicable)

List APN number

List Address

Affix engineer Seal and Signature

EXHIBIT B

Legal Description of Grantee's Property (Please attach and label description and map if applicable)

List APN number

List Address

Affix engineer Seal and Signature

EXHIBIT C

Legal Description of Easement Area (Please attach and label description and map if applicable)

List APN number

List Address

Affix engineer Seal and Signature