



## **Non-Build Easement - Complete Packet**

### **Documents Include:**

1. TRT 00538, CMOD Packet Cover Page
2. Non-Build Easement Agreement Sample



# City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

## Non-Build Easement Instructions and Sample Agreement

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**Use of a Non-Build Easement requires a modification to the Building Code.**

Instructions:

1. A code modification request for a non-build easement must be conceptually reviewed by the Planning & Development IBC Technical Lead prior to submitting application packet.
2. On the following pages, there is a sample notary non-build easement agreement that you may use as a template for your agreement. If replicated, **do not** change any of the agreement language or restrictions. Include the following:
  - Non-build easement agreement:
    - 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.
3. Once the non-build easement agreement is signed and notarized by both the grantor and grantee:
  - Apply online for a non-build easement type of code modification at [Shape PHX Customer Portal - https://shapephx.phoenix.gov/s/](https://shapephx.phoenix.gov/s/)
  - Upload the non-build easement agreement and supporting documents as part of your evidence
4. Once submitted and the application review results in a recommendation of "Approved", the building official will apply their notarized signature to the non-build easement agreement. Thereafter, the non-build 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](mailto: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.

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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.

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# **NON-BUILD EASEMENT**

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**Code Modification Application Number:**

\_\_\_\_\_

**DO NOT REMOVE.**

**THIS IS PART OF THE OFFICIAL DOCUMENT.**

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# NON-BUILD EASEMENT

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\_\_\_\_\_ (“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 non-build easement over that portion of land located in Maricopa County, Arizona, that is more particularly described on Exhibit C attached hereto. The boundary of the non-build easement shall be viewed as the property line in regards to applying the building code requirements to the grantor’s property.

This easement is granted at the request of and for the benefit of the Grantee to allow development on that property to comply with fire separation distance requirements of the Phoenix Building Construction Code. The benefiting property address and Assessor’s Parcel Number(s) are as follows:

**Benefiting Property Address:** \_\_\_\_\_

\_\_\_\_\_  
**Assessor’s Parcel Number(s):** \_\_\_\_\_

This easement is intended to create an open or unoccupied yard within which no buildings or structures may be built, except as specifically provided herein.

No buildings or structures of any kind shall be built or placed above ground level within this easement except the grantor may construct water, sewer, gas or electric utilities and appurtenances; non-combustible fences or walls not over seven feet in height; railroad spur tracks; and paving for surface parking or driveways within said easement.

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 Building Construction Code without need for this easement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

(Signatures of grantor and grantee property owners)

STATE OF ARIZONA            )  
  ) SS  
COUNTY OF MARICOPA        )

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

Non-Build Easement over (property legally described in Exhibit A) accepted and approved on this \_\_\_\_\_, day of \_\_\_\_\_, 20 \_\_\_\_.

CITY OF PHOENIX PLANNING & 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

Metes and Bounds Legal Description of Grantor's Property signed and sealed by an Arizona licensed civil engineer or surveyor

- Attach a simple drawing showing the parcels and APNs. Drawing does not require a professional seal.

Grantor APN number: \_\_\_\_\_

Grantor Address: \_\_\_\_\_

\_\_\_\_\_

# EXHIBIT B

Metes and Bounds Legal Description of Grantee's Property signed and sealed by an Arizona licensed civil engineer or surveyor

- Attach a simple drawing showing the parcels and APNs. Drawing does not require a professional seal.

Grantee APN number: \_\_\_\_\_

Grantee Address: \_\_\_\_\_

\_\_\_\_\_

# EXHIBIT C

Metes and Bounds Legal Description of Easement Area signed and sealed by an Arizona licensed civil engineer or surveyor

- Attach a simple drawing showing the location & configuration of the easement area(s). Drawing does not require a professional seal.
- Include all addresses and Maricopa County Assessor Parcel Numbers of the grantor and grantee properties; signed and sealed by an Arizona licensed civil engineer or surveyor.

Grantor APN number: \_\_\_\_\_

Grantor Address: \_\_\_\_\_

\_\_\_\_\_

Grantee APN number: \_\_\_\_\_

Grantee Address: \_\_\_\_\_

\_\_\_\_\_