



Covenant & Agreement to Hold Property as One with Rights – Complete Packet

Documents Include:

1. TRT 00539, CMOD Packet Cover Page
2. Covenant & Agreement to Hold Property as One with Rights



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

COVENANT & AGREEMENT TO HOLD PROPERTY AS ONE WITH CONVEYANCE RIGHTS INSTRUCTIONS AND SAMPLE TEMPLATE AGREEMENT

Use of a Covenant to Hold Property as One Building Site with Conveyance Rights requires modification to the Building Code.

Instructions:

1. The code modification request for a covenant to hold property as one building site with conveyance rights must be submitted and conceptually reviewed by the Planning & Development IBC Technical Lead during the Administrative Review portion of the CMOD application process.
2. On the following pages, there is a sample notary covenant to hold property as one building site with conveyance rights 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:
 - Grantor and grantee must sign and have signatures notarized
 - Include property addresses, Assessor's Parcel Numbers and the metes and bounds legal descriptions of the parcels; sealed by an Arizona licensed civil engineer or surveyor.
 - On Exhibit A, include a simple drawing of the parcels and the associated APNs. This does not require a professional seal.
3. **Once the covenant agreement is signed and notarized by involved parties:**
 - **Apply online for a Building Code Covenant type code modification at [Shape PHX Customer Portal - https://shapephx.phoenix.gov/s/](https://shapephx.phoenix.gov/s/) .**
 - **Upload the covenant and 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 covenant agreement. Thereafter, the covenant 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.

COVENANT & AGREEMENT TO HOLD PROPERTY AS ONE WITH CONVEYANCE RIGHTS

Code Modification Application Number:

(Planning & Development Staff Use Only)

DO NOT REMOVE.

This is part of the official recordation document.



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE BUILDING SITE WITH CONVEYANCE RIGHTS

The undersigned hereby certifies that (I) we are the owners of the real property located in the city of Phoenix, County of Maricopa, State of Arizona, more particularly described on **Exhibit A**.

Property 1: Address and Assessor’s Parcel Number

Property 2: Address and Assessor’s Parcel Number

Property 3: Address and Assessor’s Parcel Number

I(we) do hereby covenant and agree with said city that the legally described properties as shown on Exhibit A shall be held as one building site for the purpose of complying with the city of Phoenix Building Construction Code, Section 104.12.1.3. However, no restriction is placed on the property that would not allow a portion thereof to be conveyed separately.

Reason for parcel consolidation and the permanent requirements or prohibitions necessary to fully comply with this code as if all improvement were located on the same lot:

This Covenant and Agreement (“Covenant”) shall run with the land and be binding upon the Owner and all future owners, encumbrancers, successors, heirs, and assignees of the parcels described in Exhibit A (“Subject Parcels”). The Owner hereby acknowledges and agrees to the Covenant placed upon the Subject Parcels. This Covenant shall remain in effect unless and until the earliest of the following occurs: (a) the City of Phoenix Building Construction Code unconditionally permits the use described herein; (b) this Covenant is released in writing by the Building Official of the City of Phoenix; or (c) all Subject Parcels are formally and legally consolidated into a single parcel with a unified legal description, as evidenced by recordation in the official records of Maricopa County. Upon such consolidation, this Covenant shall automatically terminate and no longer encumber the property.

Property Owner(s) 1:

Dated this _____ day of _____, 20____

(Signed)

(Print)

(Signed)

(Print)

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Notary Stamp:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____

Notary Signature _____

Property Owner(s) 2:

Dated this _____ day of _____, 20____

(Signed)

(Print)

(Signed)

(Print)

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Notary Stamp:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____

Notary Signature _____

Property Owner(s) 3:

Dated this _____ day of _____, 20____

(Signed) (Print)

(Signed) (Print)

STATE OF ARIZONA)
) SS Notary Stamp:
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____

Notary Signature _____

Below area for City of Phoenix Planning & Development Department Only

Notary Stamp:

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

Signature of City of Phoenix Building Official

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____

Notary Signature _____

EXHIBIT A

Metes and Bounds Legal Descriptions:

Property 1
Property 2
Property 3
Etc.

**** Attach a simple drawing showing the parcels and APNs. ****