

When recorded, return to:

\_\_\_\_\_  
[Name of Owner or person designated by Owner]

\_\_\_\_\_  
[Address]

**AMENDMENT  
TO A DECLARATION OF ENVIRONMENTAL USE RESTRICTION**

[ADEQ Program Name]

[Facility Name]

[Facility Address]

[FIRST] AMENDMENT TO  
DECLARATION OF ENVIRONMENTAL USE RESTRICTION

This \_\_\_\_\_ [*first, second, etc.*] Amendment to a Declaration of Environmental Use Restriction (“Amendment”) is executed and recorded by

\_\_\_\_\_ [*state the person’s full name and legal status, for example, unmarried man, husband and wife, an Arizona corporation, etc.*] (“Owner”).

RECITALS

A. On \_\_\_\_\_ [*date*], [*original owner*] executed a written Declaration of Environmental Use Restriction (“Declaration”) that limited the use of the real property located at [*state street address or, if none, identify the nearest land references, for example, corner of Route 9 and the Arizona Canal near Bisbee, Arizona*], \_\_\_\_\_ [*state the name of the city, town or county*], Arizona (“Property”), to nonresidential use and that required the maintenance of the institutional control(s) contained within the Declaration. The Arizona Department of Environmental Quality (“ADEQ”) reviewed and approved the Declaration prior to its recording as required by A.R.S. § 49-152.

B. The Declaration was recorded in the Office of the \_\_\_\_\_ County Recorder on [*date*] and given instrument number \_\_\_\_\_.

C. A deed setting forth the legal description of the property is attached and marked “Exhibit 1.” The location of the Property is shown by the map attached and marked “Exhibit 2.” The property’s tax parcel number(s) subject to this Amendment is/are \_\_\_\_\_.

The legal description as defined in the Declaration of the portion of the Property subject to the Declaration is attached and marked “Exhibit 3.” A map of the portion of the Property subject to the Declaration is attached and marked “Exhibit 4.”

D. A.R.S. § 49-152 (I)(2) and Paragraph \_\_\_\_\_ of the Declaration provide that, if any person desires to cancel or modify the Declaration, the person shall obtain ADEQ’s prior written approval.

E. Pursuant to A.R.S. § 49-152 (D) and Paragraph \_\_\_\_\_ of the Declaration, Owner desires to modify the Declaration by, in summary [*briefly state the essence for the amendment*]:

F. ADEQ has reviewed and approves the requested modification of the Declaration as stated in this Amendment.

AMENDMENT

Now, therefore, Owner amends the Declaration as follows:

1. Amendment. *[state the exact terms of the amendment:]*
  
2. Effect of this Amendment. All other provisions of the Declaration remain in full force and effect as if this Amendment had not been entered into.
  
3. Recording. After approval and signature by ADEQ, Owner shall record this Amendment in the Office of the \_\_\_\_\_ County Recorder.
  
4. Effective date. This Amendment is effective when signed by the Parties.

\_\_\_\_\_  
Owner *[state full name]*

\_\_\_\_\_  
*[signature]*

\_\_\_\_\_  
*[current address of Owner]*

\_\_\_\_\_  
Owner *[if more than one; state full name]*

\_\_\_\_\_  
*[signature]*

\_\_\_\_\_  
*[current address of Owner]*

\_\_\_\_\_  
Owner *[if more than one; state full name]*

\_\_\_\_\_  
*[signature]*

\_\_\_\_\_

October 29, 2008

*[current address of Owner]*

\_\_\_\_\_  
Owner *[if more than one; state full name]*

\_\_\_\_\_  
*[signature]*

\_\_\_\_\_  
*[current address of Owner]*

This Amendment to the Declaration of Environmental Use Restriction was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by:

\_\_\_\_\_  
*[state full name and legal status of each Owner]*

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

My commission expires: \_\_\_\_\_

This Amendment to a Declaration of Environmental Use Restriction is approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Arizona Department of Environmental Quality.

ARIZONA DEPARTMENT OF ENVIRONMENTAL  
QUALITY, an agency of the State of Arizona,

by:

\_\_\_\_\_  
*[signature of the Department's authorized agent]*

Name \_\_\_\_\_  
*[print name of the authorized agent]*

Its \_\_\_\_\_  
*[state person's official title]*

October 29, 2008

This Amendment to a Declaration of Environmental Use Restriction was subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the Arizona Department of Environmental Quality.

\_\_\_\_\_  
*[state full name and title of Department's agent]*

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

My commission expires: \_\_\_\_\_

October 29, 2008