

Sample Non-Conversion Declaration

This DECLARATION is made this [DAY] day of [MONTH], [YEAR], by [PROPERTY OWNER(s)], [Owner/Trustee] having an address at [ADDRESS].

WITNESSETH:

WHEREAS, the [Trustee/Owner] is the owner of record of all that real property located at [SITE ADDRESS] in the city of [CITY], in [COUNTY], [STATE], as described in Deed dated [DEED DATE], Document number [DOCUMENT NUMBER], Map number [MAP], Tax Lot [TAXLOT]

WHEREAS, the Owner has [applied for a permit to place] a structure on that property that must be in compliance with the strict elevation requirements of [FLOODPLAIN ORDINANCE], and under Floodplain Development Permit No. [PERMIT NUMBER], issued [DATE]. In order to prevent a later conversion or alteration of that structure that may be in violation of these requirements, the Owner herein makes this DECLARATION.

WHEREAS, the Owner agrees to record this DECLARATION and hereby certifies and declares that the following covenants, conditions and restrictions are placed on the affected property as a condition of granting the Certificate of Compliance, and affects rights and obligations of the Owner and shall be binding on the Owner, his heirs, personal representatives, successors and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is the lower enclosure located below the Base Flood Elevation whose established floor elevation is [LFE from EC] feet.
2. At this site, the Base Flood Elevation is [BFE] feet above mean sea level, NAVD 88 (North American Vertical Datum 1988) and the minimum Finished Floor Elevation is [BFE +1] feet above mean sea level, NAVD 88.
3. Enclosed areas below the Base Flood Elevation, as established by Elevation Certificate, shall be used solely for parking of vehicles, access to the building, and limited storage. "Limited storage" is defined as that which is incidental and accessory to the principal use of the structure such as lawn and garden equipment and snow tires, which cannot be conveniently stored in the elevated portion of the structure. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical or plumbing devices shall not be installed below [BFE] feet above mean sea level, NAVD 88.
4. The walls of the enclosed areas below the Base Flood Elevation shall be equipped and remain equipped with at least two flood openings, one each located on two different walls, equal to one square inch of opening per one square foot of enclosed floor area, and the bottoms of the vents shall be no more than one foot above adjacent grade.

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5. Any alterations or changes from these conditions constitute a violation of the Certificate of Compliance and may render the structure non-compliant with [FLOODPLAIN ORDINANCE], uninsurable, or increase the cost for flood insurance. The jurisdiction issuing the Certificate of Compliance and enforcing [FLOODPLAIN ORDINANCE] may take any appropriate legal action to correct any violation.
6. This Non-Conversion Declaration becomes part of Floodplain Development Permit No. _____.

In witness whereof the undersigned sets (his)(her) hand and seal.

[NAME OF OWNER]

Date

STATE OF _____
County of [COUNTY]

_____ personally appeared before me, being by me duly sworn, stated that (he)(she) has read, understands and agrees to comply with all the aforementioned conditions of this Agreement.

Subscribed and affirmed before me this ____ day of _____, _____.

Notary Public – State of [STATE]

My Commission Expires

Acknowledged by the City this _____ day of _____, [YEAR].

City Administrator