

Non-Conversion Agreement for Enclosed Area Below the Flood Protection Level

This DECLARATION made this ____ day of ____ 20____,
By _____ (“Owner”) having an address at _____.

WITNESSETH

WHEREAS, the owner is the record owner of all that real property located at _____ Town/Village/City of _____ in the county of _____, designated in the tax records as _____.

WHEREAS, the owner has applied for a Floodplain Development permit. Application # _____, for a new or substantially improved structure on the property that may later be converted in such a manner as to become non-compliant with the strict elevation requirements in the Special Flood Hazard Areas as specified in the Town/Village/City of _____. Local Law for Flood Damage Prevention _____.

WHEREAS, the Owner agrees to record his DECLARATION and certifies that the following covenants, conditions, and restrictions are placed on the affected property as a condition of granting the Permit, and effects rights and obligations of the owner and shall be binding on the Owner, his/her 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: _____.
2. Enclosed areas below the flood protection level shall be used solely for parking vehicles, limited storage, or access to the building. All interior walls, ceilings, and floors below the flood protection level shall be unfinished or constructed of flood damage-resistant materials. Mechanical, electrical, or plumbing devices shall not be installed below the flood protection level unless they are designed to prevent damage from flooding.
3. The walls of the enclosed areas below the flood protection level shall be equipped and remain equipped with flood vents that allow the free passage of water automatically in both directions.

4. Any alterations or changes from these conditions constitute a violation of the Permit and may render the structure uninsurable or increase the cost of flood insurance. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation.
5. Other conditions _____
_____.

IN WITNESS whereof, the undersigned set their hands this ____ day
of _____, 20__.

Owner

Witness