

**DECLARATION OF LAND RESTRICTION
FOR CERTAIN STRUCTURES IN THE FLOODPLAIN**

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 _____ in the _____ the Election District of _____ County, designated in the Tax Records as map _____, parcel _____, plat _____, and being that same property acquired by the Owner by deed dated _____, 20____, and recorded among the Land Records of _____ County, Maryland at liber _____, folio _____.

WHEREAS, the Owner has applied for a permit, conditioned permit, or variance to place a structure on that property that either (1) does not conform, or (2) may be made noncompliant by later conversion, to the strict elevation requirements of Article _____ Section _____ of the Floodplain Management Ordinance of _____ ("Ordinance") and under Permit Number _____ ("Permit").

WHEREAS, the Owner agrees to record this DECLARATION and certifies and declares that the following covenants, conditions, and restrictions are placed on the affected property as a condition of granting the Permit, 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:

2. This structure has been allowed without strict conformance with the elevation requirement of the Ordinance. Conversion to habitable space shall not occur unless the enclosed area below the Flood Protection Elevation is brought into full compliance with this Ordinance. At this site, the Flood Protection Elevation is _____ feet above mean sea level, National Geodetic Vertical Datum.

3. Enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings, and floors below the Flood Protection Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical, or plumbing devices shall not be installed below the Flood Protection Elevation.

4. The walls of the enclosed areas below the Flood Protection Elevation shall be equipped with at least two vents which permit the automatic entry and exit of flood waters with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two different walls, and the bottoms of the vents shall be no more than one foot above grade.

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

6. Other conditions:

SIGNATURES:

OWNER:

In witness whereof the undersigned set their hands and seals this _____ day of _____, 20__.

Owner _____(Seal)

Owner _____(Seal)

NOTARY:

STATE OF MARYLAND, _____ of _____, TO WIT:

I hereby certify that on this _____ day of _____, 20__, before me the subscriber, a Notary Public of the State aforesaid, personally appeared _____ and _____, known to me, or satisfactorily proven to be the person(s) whose name is subscribed to the foregoing instrument, who acknowledged that he has executed it for the purposes therein set forth, and that it is his act and deed.

In witness whereof, I have set my hand and Notarial Seal, the day and year first written above.

My commission expires on _____.

Note: This declaration must be recorded against the deed to the property noted above whenever an enclosed area below the 100-year flood elevation exceeds 300 square feet in an accessory structure or foundation enclosure exceeding 5 feet in height.