

# Model Acknowledgement of Conditions For Mitigation of Property in a Special Flood Hazard Area With FEMA Grant Funds

Property Owner \_\_\_\_\_

Street Address \_\_\_\_\_

City , State Zip Code \_\_\_\_\_

Deed dated \_\_\_\_\_, Recorded \_\_\_\_\_

Tax map \_\_\_\_\_, block \_\_\_\_\_, parcel \_\_\_\_\_

Base Flood Elevation at the site is \_\_\_\_\_ feet (NGVD).

Map Panel Number \_\_\_\_\_, effective date \_\_\_\_\_

As a recipient of Federally-funded hazard mitigation assistance under the Hazard Mitigation Grant Program, as authorized by 42 U.S.C. §5170c, the Property Owner accepts the following conditions:

1. That the Property Owner has insured all structures that will **not** be demolished or relocated out of the SFHA for the above-mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4001 *et seq.*, as long as the Property Owner holds title to the property as required by 42 U.S.C. §4012a.
2. That the Property Owner will maintain all structures on the above-mentioned property in accordance with the flood plain management criteria set forth in Title 44 of the Code of Federal Regulations (CFR) Part 60.3 and City/County Ordinance as long as the Property Owner holds title to the property. These criteria include, but are not limited to, the following measures:
  - i. Enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building;
  - ii. All interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials;
  - iii. No mechanical, electrical, or plumbing devices will be installed below the Base Flood Elevation; and

iv. All enclosed areas below Base Flood Elevation must be equipped with vents permitting the automatic entry and exit of flood water.

For a complete, detailed list of these criteria, see City/County Ordinance attached to this document.

3. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner agrees that the City/County will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner (including book/page reference to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements:

"This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations Part 60.3 and City/County Ordinance."

4. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the grant award with respect to the subject property, and the Property Owner may be liable to repay such amounts.

This Agreement shall be binding upon the respective parties' heirs, successors, personal representatives, and assignees.

THE CITY/COUNTY OF \_\_\_\_\_

A \_\_\_\_\_ municipal corporation

By: \_\_\_\_\_

[Name, Title]

of the City/County of \_\_\_\_\_

&

\_\_\_\_\_

[Name of Property Owner]

WITNESSED BY:

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[Name of Witness]

[SEAL]

Notary Public