

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

This DECLARATION made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_ (“Owners”) having an address at \_\_\_\_\_.

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at \_\_\_\_\_ in the \_\_\_ Election District of Washington County, designated in the Tax Records as map \_\_\_, parcel \_\_\_, plat \_\_\_, and being that same property acquired by the Owner by deed dated \_\_\_\_\_, and recorded among the Land Records of Washington 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 non-compliant by later conversion, to the strict elevation requirements of Article \_\_\_, Section \_\_\_\_\_ of the Floodplain Management Ordinance of Washington County (“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 the \_\_\_\_\_.
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: \_\_\_\_\_.

OWNER:

In witness whereof the undersigned set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

WITNESS:

\_\_\_\_\_  
Owner \_\_\_\_\_ (Seal)

\_\_\_\_\_  
Owner \_\_\_\_\_ (Seal)

NOTARY:

STATE OF MARYLAND, \_\_\_\_\_ of \_\_\_\_\_, TO WIT:

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, 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 \_\_\_\_\_.