

APPENDIX A

NORTH CAROLINA
DARE COUNTY

DECLARATION OF RESTRICTIVE COVENANT
NONCONVERSION AGREEMENT
FLOOD DAMAGE PREVENTION

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 (herein referred to as the Property) which is located in the Town of Kill Devil Hills, in the County of Dare, designated in the Tax Records as _____, and having a legal description of _____, and a street address of _____

WHEREAS, the Owner has applied for a permit to place or modify a structure on the Property that either (1) does not conform, or (2) may be noncompliant by later conversion, to the strict elevation requirements of *Chapter 151: Flood Damage Prevention* of the Kill Devil Hills Town Code and under Permit Number _____ ("Permit").

WHEREAS, the Owner has entered this DECLARATION for the purpose of imposing the following covenant, conditions, and restrictions upon the Property as a condition of granting the Permit, with the Intention that this Declaration shall hereafter run with the land and become applicable to the rights and obligations of the Owner and shall be binding on the Owner, his heirs, personal representatives, successors and assigns.

NOW THEREFORE, BASED UPON THE RECITALS SET FORTH ABOVE AND SUBJECT TO THE CONDITIONS, witness the following:

The structure or part thereof to which these conditions apply is: _____

At this site, the Base Flood Elevation is ____ feet above mean sea level, North American Vertical Datum, 1988.

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

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The walls of the enclosed area below the Base Flood Elevation shall be equipped and remain equipped with vents as shown on the Permit as published In _____

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. Violations of the Permit may subject the Property to orders of condemnation, fines and remedial sanctions. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation.

In addition to the foregoing terms the following additional conditions apply:

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

Owner

Owner (spouse) (Seal)

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the ___ day of _____, 20__.

Notary Public

My Commission Expires:
