

**STATE OF MISSISSIPPI,
FLOOD COUNTY**

**DECLARATION OF RESTRICTIVE COVENANT/
NON-CONVERSION AGREEMENT**

This DECLARATION made this ____ Day of _____, 20____, by _____
_____ (collectively referred to herein as the
“Owner”), having an address of _____.

WITNESSETH:

WHEREAS, the Owner is the apparent record owner of all real property located at
_____ (herein referred to as the “Property”) in the city of **Floodville** in
Flood County, Mississippi, designated in the Tax Records as Parcel No. _____, and
having a street address of _____ and as more particularly described
with a legal description in the Deed attached hereto as Exhibit “A” and incorporated by reference.

WHEREAS, the Owner has applied for a permit to place or modify a structure on the
Property that may be non-compliant by later conversion to the elevation requirements of Article
5, Section B (3), (4) and (5) of the city of **Floodville’s** Flood Damage Prevention Ordinance, as
amended, and under Permit Number _____ (the “Permit”).

WHEREAS, the Owner has entered into this DECLARATION for the purpose of
imposing the following covenants, 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 or her heirs, personal representatives, successors, and assigns.

NOW THEREFORE, BASED UPON THE RECITALS SET FORTH ABOVE AND SUBJECT
TO THE TERMS AND CONDITIONS CONTAINED HEREIN, the Owner agrees and declares,
as follows:

1. The structure or part thereof to which these conditions apply is:
_____.
2. At this site, the Base Flood Elevation (the “BFE”) plus freeboard (**18** inches) is
_____ feet, the required elevation above the mean sea level is _____
feet , National Geodetic Vertical Datum.

3. Enclosed areas of structures located below the BFE plus freeboard on the Property shall comply with the city of Floodville's Flood Damage Prevention Ordinance and shall be used solely for the parking of vehicles, building access, and storage. All interior walls, ceilings and floors below the BFE plus freeboard shall be unfinished and constructed of flood resistant materials and designed to preclude finished living space. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. Mechanical equipment and ducts, electrical equipment, wiring, fixtures and devices or plumbing fixtures shall not be installed below the BFE plus freeboard.
4. The walls of enclosed areas below the BFE plus freeboard shall be equipped and remain equipped with proper hydrostatic openings as required by the city of Floodville's Flood Damage Prevention Ordinance, as amended.
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. Violations of the Permit may subject the Property to orders of condemnation, fines, and remedial sanctions. In the event it is necessary for the city of Floodville to take or pursue any legal action or proceeding to enforce these conditions or its Flood Damage Prevention Ordinance or to correct or pursue any violation thereof, including injunctive or other appropriate relief, the City shall be entitled to reasonable attorney fees and court costs.
6. The city of Floodville's Floodplain Administrator or his/her duly designated representative is hereby granted right-of-entry of the property for the purpose of inspecting the exterior and interior of the enclosed areas to verify compliance with this Declaration. After initial and final inspections, annual inspections may be conducted upon notice to the Owner. Additional inspections may be conducted if an annual inspection discovers a probable violation of the permit and/or Flood Damage Prevention Ordinance.
7. In addition to the foregoing terms and conditions, the following additional conditions apply:

IN WITNESS WHEREOF the undersigned set their hands and seals this ____ day of

_____, 20_____.

Owner

Owner

Owner

Owner

STATE OF MISSISSIPPI

FLOOD COUNTY

PERSONALLY CAME and appeared before me, the undersigned authority in and for the jurisdiction aforesaid on the _____ day of _____, 20_____, the within named _____, who acknowledged to me he/she/they are the owner(s) of the property referenced herein and that they signed, executed and delivered the above and foregoing instrument in writing on the date therein mentioned, having been first duly authorized so to act in such capacities as identified therein.

Signature

Signature

Signature

Signature

WITNESS my hand and official seal, this ____ day of _____, 20_____.

Notary Public

SEAL

PREPARED BY:
CITY OF FLOODVILLE
Department of Urban Development-Building Code Services
P. O. Box XXXX
Floodville, MS xxxxx
601-111-1111

RETURN COPIES TO:
CITY OF FLOODVILLE
Department of Urban Development-Building Code Services
P. O. Box XXXX
Floodville, MS xxxxx
601-111-1111

INDEXING INSTRUCTIONS: