Book 2012 Page 716

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: Randall L. Rattenborg, 105 West Main Street, Manchester, IA, 563-927-2434
Return To: Darla Henry 1986 240th Street, Manchester, IA 52057
Grantors: Darla Henry.
Grantees: Federal Emergency Management Agency (FEMA)
Grantees: Parcel O, Part of the NE ¼-NE ¼, Sec. 15, T88N, R5W
Legal Description: See below

AFFIDAVIT

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LETTER OF MAP AMENDMENT (LOMA) DETERMINATION

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

1) Darla S. Henry is the owner of the property as described in the following Legal Description recorded in Book 2010, Page 2261:

   a. ***Parcel O, Part of the NE ¼-NE 1/4 Section Fifteen (15), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth P.M., Delaware County, Iowa, according to the plat thereof recorded in Book 2012, Page 108 in the Office of the Delaware County Recorder;***

2) The Federal Emergency Management Agency (FEMA) Letter Of Map Amendment (LOMA) Determination for a portion of the above Legal Description is being attached to this affidavit.

3) A copy of the site plan and legal description submitted to FEMA for the LOMA is attached to this document.

4) Darla Henry desires to make this Federal Emergency Management Agency (FEMA) Letter of Map Amendment (LOMA) Determination a document of record.

Darla Henry

State of Iowa)
)
County of Delaware) ss:

On this 2nd day of March A.D. 2012, before me a Notary Public in and for said County, personally appeared Darla Henry, to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-13

Federal Emergency Management Agency

Washington, D.C. 20472

February 02, 2012

MR. RANDALL L. RATTENBORG
GIBBS ENGINEERING & SURVEYING, P.C.
105 WEST MAIN STREET
MANCHESTER, IA 52057

CASE NO.: 12-07-1278A
COMMUNITY: DELAWARE COUNTY, IOWA
(UNINCORPORATED AREAS)
COMMUNITY NO.: 190863

DEAR MR. RATTENBORG:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 7390 Coca Cola Drive, Ste 204, Hanover, MD 21076.

Sincerely,

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	DELAWARE COUNTY, IOWA (Unincorporated Areas)	Parcel O, as shown on the Plat of Survey, recorded in Book 2012, Page 108, in the Office of the Recorder, Delaware County, Iowa The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 190863	
AFFECTED MAP PANEL	NUMBER: 19055C0250E	
	DATE: 8/3/2009	
FLOODING SOURCE: MAQUOKETA RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.441, -91.406 SOURCE OF LAT & LONG: ARCGIS 9.3 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	1986 240th Street	Portion of Property	X (unshaded)	910.8 feet	--	912.5 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION PORTIONS REMAIN IN THE SFHA ZONE A

STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 7390 Coca Cola Drive, Ste 204, Hanover, MD 21076.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the Northeast Corner of Section 15, Township 88 North, Range 5 West, Fifth Principal Meridian; thence S88°38'39"W, a distance of 656.72 feet to the POINT OF BEGINNING; thence S00°11'37"W, a distance of 672.53 feet; thence N46°38'59"W, a distance of 110.00 feet; thence N30°24'38"W, a distance of 360.00 feet; thence N07°12'24"W, a distance of 224.70 feet; thence N47°29'13"E, a distance of 86.12 feet; thence N88°38'39"E, a distance of 229.27 feet to the POINT OF BEGINNING.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 7390 Coca Cola Drive, Ste 204, Hanover, MD 21076.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

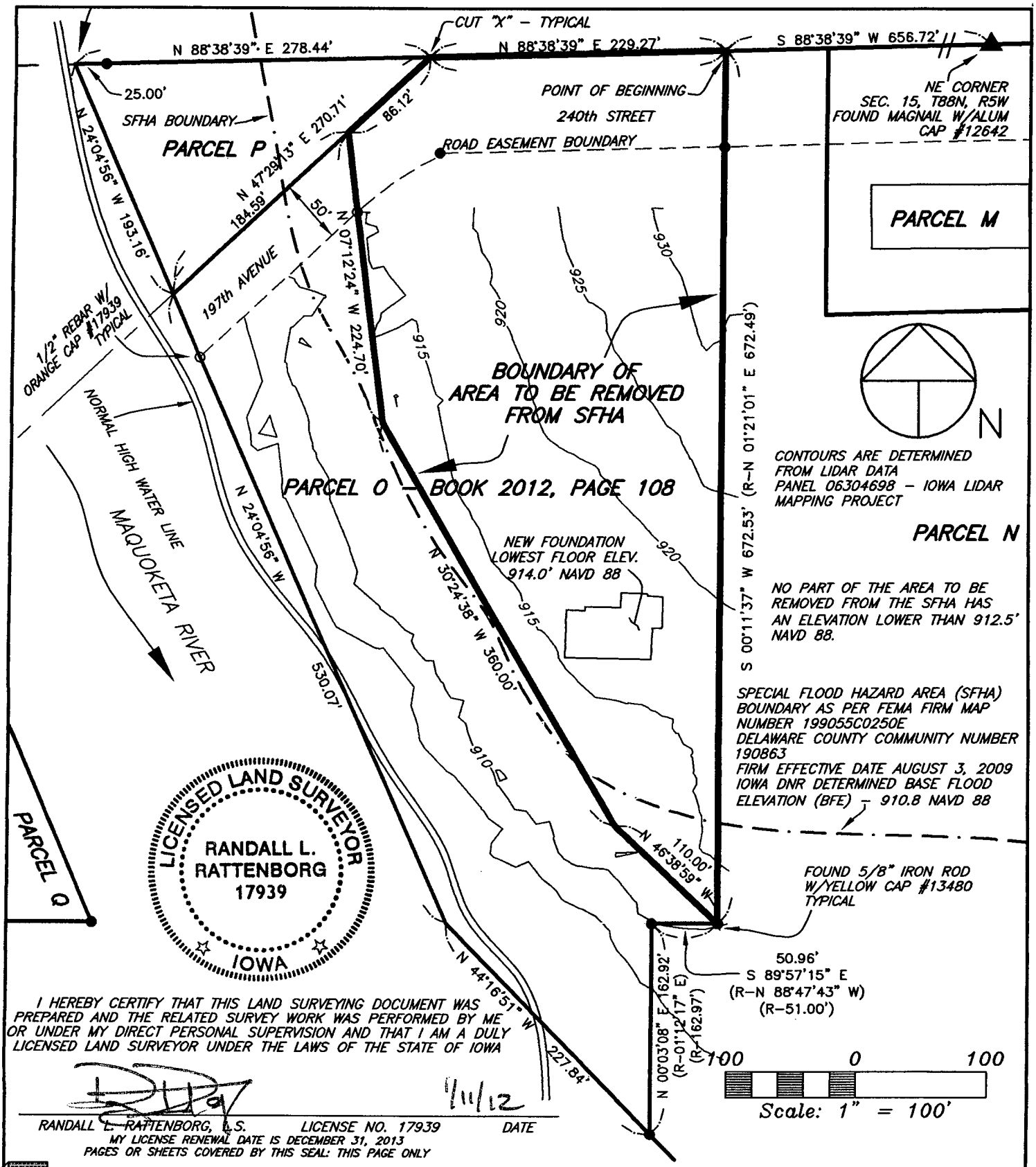
Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures. Additional information on the PRP and how a property owner can quality for this type of policy may be obtained by calling the Flood Insurance Information Hotline, toll free, at 1-800427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

FEMA has established "Grandfather" rules to benefit flood insurance policyholders who have maintained continuous coverage. Property owners may wish to note also that, if they live outside but on the fringe of the SFHA shown on an effective NFIP map and the map is revised to expand the SFHA to include their structure(s), their flood insurance policy rates will not increase as long as the coverage for the affected structure(s) has been continuous. Property owners would continue to receive the lower insurance policy rates.

LOMAs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If a State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.
In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to amend an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

When a restudy is undertaken, or when a sufficient number of revisions or amendments occur on particular map panels, FEMA initiates the printing and distribution process for the affected panels. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. In such cases, FEMA attempts to reflect the results of the LOMA on the new map panel. If the results of particular LOMAs cannot be reflected on the new map panel because of scale limitations, FEMA notifies the community in writing and revalidates the LOMAs in that letter. LOMAs revalidated in this way usually will become effective 1 day after the effective date of the revised map.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

4/11/12

RANDALL L. RATTENBORG, L.S. LICENSE NO. 17939 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2013

PAGES OR SHEETS COVERED BY THIS SEAL: THIS PAGE ONLY

GIBBS ENGINEERING & SURVEYING

COPY

SITE PLAN
1986 240th STREET
MANCHESTER, IA 52057

105 West Main, Manchester, Iowa 52057 (563) 927–2434

LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM SFHA:

PART OF PARCEL O, As recorded in Book 2012, Page 108, Section Fifteen (15), Township Eighty-eight North (T88N), Range Five West, (R5W), of the Fifth Principal Meridian, Delaware County, Iowa, described by metes and bounds as follows;

COMMENCING at the Northeast Corner of Section Fifteen (15), Township Eighty-eight North (T88N), Range Five West, (R5W), of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Fifteen (15), South 88° 38' 39" West, 656.72 feet, the POINT OF BEGINNING;

THENCE South 00° 11' 37" West, 672.53 feet;

THENCE North 46° 38' 59" West, 110.00 feet;

THENCE North 30° 24' 38" West, 360.00 feet;

THENCE North 07° 12' 24" West, to the centerline of 197th Avenue, 224.70 feet;

THENCE along the centerline of 197th Avenue, North 47° 29' 13" East, to the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Fifteen (15), 86.12 feet;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Fifteen (15), North 88° 38' 39" East, 229.27 feet to the POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

4/11/12

Randall L. Rattenborg L.S. #17939 DATE

My license will be renewed on December 31, 2013

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

COPY