Book 2015 Page 2093
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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: Randall L. Rattenborg, 105 West Main Street, Manchester, IA, 563-927-2434
Return To: Jack E. & Shelley A. Ortberg, 124 Delhi Road, Manchester, IA 52057
Grantors: Jack E. & Shelley A. Ortberg
Grantees: Federal Emergency Management Agency (FEMA)
Grantees: Facorah Add Lot 5
Legal Description: See below

AFFIDAVIT

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

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

1) Jack E. & Shelley A. Ortberg according to the Warranty Deed recorded in the office of the Delaware County Recorder 7/1/1971 are the owner of the following Legal Description as recorded in Book 32, Page 48:

   Lot Five (5) of Facorah Addition to Manchester, Iowa, according to Plat recorded in Book 2 Plats, Page 188.

2) A Federal Emergency Management Agency (FEMA) Letter Of Map Amendment (LOMA) Determination for the structure on Lot 5 on the above Legal Description is being attached to this affidavit on pages 2-7;
3) The attached LOMA Determinations are valid for the current effective FIRM map; Map Panel No. 19055C0227F, effective date December 16, 2014.
4) Jack E. & Shelley A. Ortberg desire to make this Federal Emergency Management Agency (FEMA) Letter of Map Amendment (LOMA) Determination a document of record.

Jack E Ortberg
Jack E. Ortberg

Shelley A. Ortberg
Shelley A. Ortberg

State of Iowa)
)
County of Delaware) ss:

On this 5th day of August A.D. 2015, before me a Notary Public in and for said County, personally appeared Jack E Ortberg and Shelley A Ortberg, 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
8-16-15

Federal Emergency Management Agency
Washington, D.C. 20472

July 28, 2015

MR. RANDALL RATTENBORG
BURRINGTON GROUP, INC.
105 W. MAIN STREET
MANCHESTER, IA 52057

CASE NO.: 15-07-1996A
COMMUNITY: CITY OF MANCHESTER,
DELAWARE COUNTY, IOWA
COMMUNITY NO.: 190112

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, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415.

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	CITY OF MANCHESTER, DELAWARE COUNTY, IOWA	Lot 5, Facorah Addition, as described in the Warranty Deed recorded in Town Lot Deed Book 32, Page 48, in the Office of the Recorder, Delaware County, Iowa
	COMMUNITY NO: 190112	
AFFECTED MAP PANEL	NUMBER: 19055C0227F	
	DATE: 12/16/2014	
FLOODING SOURCE: TRIBUTARY 3 - SPLIT - DITCH		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.480678, -91.443861 SOURCE OF LAT & LONG: COMMUNITY GIS 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)
5	--	Facorah Addition	124 Delhi Road	Structure (124 Delhi Rd)	X (shaded)	--	940.6 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	STUDY UNDERWAY	COASTAL BARRIER RESOURCE SYSTEM
eLOMA DETERMINATION	EXTRATERRITORIAL JURISDICTION	
PORTIONS REMAIN IN THE SFHA	GREAT LAKES	
PORTIONS REMAIN IN THE FLOODWAY	STATE LOCAL CONSIDERATIONS	

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 structure(s) on 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. If there are any errors on this eLOMA Determination Letter that cause FEMA to rescind and/or nullify the determination the property owner should consult the Licensed Professional that submitted this eLOMA. 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, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, 3601 Eisenhower Avenue, Alexandria, VA 22304-4605, Fax: 703-751-7415.

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)

Structure Removal:

The following considerations may or may not apply to the determination for your Structure:

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY - A portion of this property is located within the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in a NFIP regulatory floodway that may cause an increase in the base flood elevation. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV), or the Regional Engineer (Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA -This Determination Document has removed the subject of the determination from the Special Flood Hazard Area (SFHA). However, portions of the property may remain in the SFHA. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STUDY UNDERWAY - 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.

EXTRATERRITORIAL JURISDICTION - The subject of the determination is shown on the National Flood Insurance Program map as being located in an Extraterritorial Jurisdiction area for the community indicated on the Determination Document.

GREAT LAKES - The Federal Emergency Management Agency (FEMA) has based this determination on elevation data which is published in the current Flood Insurance Study for the community. However, the elevations established in the U.S. Army Corps of Engineers (USACE) reports on the Great Lakes are the best available data known to us. If in the future there are any subsequent map revisions to the National Flood Insurance Program map and the USACE reports remain the best available data known, FEMA will use those elevations for any such revisions. Consequently, all new structures or substantially improved structures should be above the elevation stated in the applicable USACE report (copy enclosed).

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, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis Rodriguez, P.E., Chief
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LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

STATE AND LOCAL CONSIDERATIONS - Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

COASTAL BARRIER RESOURCE SYSTEM - The subject of this Determination Document is located within the Coastal Barrier Resource System (CBRS). Federal financial assistance, including Federal flood insurance, is not available in CBRS areas for new construction or substantial improvements occurring after the date on which the area was declared by Congress to be part of the CBRS or otherwise protected area as required by the Coastal Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act 1990 (Public Law 101-591). This date is indicated on the National Flood Insurance Program map. For further information on this property and the CBRS or otherwise protected area designation, contact the U.S. Department of the Interior.

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, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis Rodriguez, P.E., Chief
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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 1-800-427-4661. 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.