

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

**CITY OF GULFPORT
GULFPORT, MS
DECLARATION
NON-CONVERSION AGREEMENT**

This DECLARATION made this _____ day of _____, _____ by _____ (owner(s)), having an address of _____.

WITNESSTH:

WHEREAS, the owner is the apparent record owner of all that real property located at _____ in the City of Gulfport in the County of Harrison, designated in the Tax Records as Parcel No. _____, and more particularly described as shown in Exhibit "A" attached hereto and incorporated by reference.

WHEREAS, the owner has applied for a permit to place a structure on that property that has an enclosed area below the base flood elevation plus freeboard constructed in accordance with the requirements of Article 5, Section B (3), (4) and (5) of the Flood Damage Prevention Ordinance (Ordinance # 2489) dated 09-05-06 and under Permit Number _____.

WHEREAS, the owner certifies and declares that the following covenants, condition and restriction are placed on the affected property as a condition of granting this Permit, and affects the rights and obligations of the Owner and shall be binding on the Owner, his/her heirs, personal representatives, successors, future owners and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS CONTAINED HEREIN, the owner(s) 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 (BFE) plus freeboard is _____ feet above the mean sea level, national Geodetic Vertical Datum.

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3. Enclosed areas below the BFE plus freeboard shall comply with the City of Gulfport's Flood Damage Prevention Ordinance shall be used solely for parking of vehicles, limited storage of mechanical equipment not exceeding 299 square feet, or access to the building. All interior walls, ceilings and floors below the BFE plus freeboard shall be unfinished and constructed of flood resistant materials. 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 the enclosed areas below the BFE plus freeboard shall be equipped and remain equipped with the proper hydrostatic openings as required by the Flood Damage Prevention Ordinance (Ordinance # 2489).
5. In the event it is necessary for the City of Gulfport to take legal action, including injunctive or other appropriate relief to enforce this agreement or to correct any violation of the Flood Damage Prevention Ordinance (Ordinance #2489), the City shall be entitled to reasonable attorney fees and court costs. In addition to any other penalties, any alterations or changes from these conditions may render the structure uninsurable or increase the cost for flood insurance.
6. The Floodplain Administrator or his/her duly designated representative of the City of Gulfport 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(s). Additional inspections may be conducted if an annual inspection discovers a probable violation of the permit and/or Flood Damage Prevention Ordinance (Ordinance # 2489).
7. Other conditions: _____

IN WITNESS WHEREOF the undersigned set their hands and seals this _____ day of _____, _____.

Owner
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Owner

Owner

Owner

STATE OF _____
COUNTY OF _____

PERSONNALLY APPEARED BEFORE ME, the undersigned whose name(s) are subscribed to the within Declaration and who acknowledged that he/she/they executed the same in his/her their authorized capacity (ies), and that his /her /their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Signature

Signature

Signature

Signature

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

Notary Public

SEAL

PREPARED BY:
CITY OF GULFPORT
Department of Urban Development-Building Code Services
P. O. Box 1780
Gulfport, MS 39502
228-868-5715