# **St. Mary’s County Department of Land Use and Growth Management**

# *23150 Leonard Hall Drive, Leonardtown, Md. 20650*

*Phone (301) 475-4200, ext. 1500 Fax (301) 475-4672*

# **NONCONVERSION AGREEMENT**



THIS DECLARATION is made on the \_\_\_\_ day of September, 2023, by **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (hereinafter referred to as the “Declarant”).

WITNESSETH:

 WHEREAS, the Declarant is the owner of the property whose address is **11111 Point Lookout Road**, which is located in the **First** Election District of St. Mary’s County, Maryland as shown on Tax Map **XXX**, Parcel **XXX** (hereinafter referred to as the “Subject Property”);

 WHEREAS, the Declarant took title to the Subject Property by deed dated **November 30, 2022**, which was recorded among the Land Records of St. Mary’s County, Maryland in Liber **XXXX**, Folio **XXX**;

 WHEREAS, the Flood Protection Elevation (as defined in the Floodplain Management program) for the Subject Property is **eight (8) feet** as shown on **panel number 319F** of the St. Mary’s County Flood Insurance Rate Map that became effective on November 19, 2014;

WHEREAS, an application has been made for a permit **23-XXXX** to construct a **XXXXXXX** (hereinafter referred to as the “Structure”), which does not conform to the elevation requirements of the St. Mary’s County Floodplain Management program which is established in § 76 of the St. Mary’s County Comprehensive Zoning Ordinance (CZO); and

WHEREAS, CZO § 76.5.7. allows for the construction of certain accessory structures (such as detached garages) to be located below the elevation requirements provided that certain conditions are met, including the execution and recordation of this Declaration.

NOW THEREFORE, the Declarant hereby declares that the Subject Property shall be hereby by encumbered with the following covenants that shall be deemed to run with the land and shall inure to the benefit of, and be enforceable by the Declarant and their successors and assigns:

1. That the Structure shall be used solely for limited storage and will never be used for human habitation without first becoming fully compliant with the Floodplain Management program as may be amended from time to time;
2. That all interior walls, ceilings, and floors below the Flood Protection Elevation shall be and remain unfinished or constructed of flood resistant materials;
3. That mechanical, electrical, or plumbing devices shall not be installed below the Flood Protection Elevation;
4. That the requested structure may increase the risk to life and property, and may be subject to increased premium rates for flood insurance available from the National Flood Insurance Program; and
5. That any variation in construction beyond what is permitted shall constitute a violation and be abatable as such.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed on the date first above written.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(SEAL) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(SEAL)

Witness Printed Name:

STATE OF MARYLAND, \_\_\_\_\_\_\_\_\_ County, to wit:

 I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, before the undersigned, a Notary Public of the state and county aforesaid, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ who acknowledged that this Declaration is his/her/their duly authorized act.

 WITNESS my hand and notarial seal.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 NOTARY PUBLIC

 My Commission expires: