October 14, 2010

The following is a list of documents that will is intended to be entered at the Salt Lake County Recorder's Office.

The first is a letter from Bank of America Home Loans dated August 24<sup>th,</sup> 2010 which states that the home of James and Nancy Vandiver at 1658 E. Indian Wells Lane in Draper no longer requires Flood Insurance based on a ruling from FEMA.

The next four pages are from FEMA, Dated July 27th, 2010 to the Mayor of Draper, Darrell Smith. It is a Letter of Map Revision which removes the structure at 1658 E. Indian Wells Lane from the Flood Zone and reclassifies it from Flood Zone AE to Flood Zone X, thus removing the need for Flood Insurance.

The final five pages is an elevation certificate dated April 27<sup>th</sup>, 2010 for the property at 1658 E. Indian Wells Lane in Draper. It was completed by the firm of McNeil Engineering and provides the support data to remove the structure at 1658 E. Indian Wells Lane in Draper from Flood Zone AE to Flood Zone X.

These documents are being submitted to the Salt Lake County Recorder's Office by James G. Vandiver.

STATE OF UTAH COUNTY OF:

ON THE

N THE 14 DAY OF 06

PERSONALLY APPEARED BEFORE ME

PLANCE URALLIE SIGNER(S) OF THE ABOVE INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT

HE/SHE/THEY EXECUTED THE SAME

NOTARY PUBLIC

NOTARY PUBLIC
NINA GARDNER
568789
My Commission Expires
April 10, 2011
8TATE OF UTAH

In no way does recording authenticate, validate or endorse the content of this or any document RECORDER'S NOTE

lecording places this document into the public record

11053653
10/15/2010 10:08 AM \$30.00
Book - 9868 P9 - 9469-9479 A
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
JIM VANDIVER
1658 E INDIAN WELLS LN
SLC UT 84020
BY: BRR, DEPUTY - WI → 12 P.

### **Bank of Ámerica**



Home Loans Insurance Dept., TX2-977-01-03 PO Box 961206 Fort Worth, TX 76161-0206

Notice Date: August 24, 2010

Account No.: 104072224

James G & Nancy R Vandiver 1658 Indian Wells Ln Draper, UT 84020

Property Address: 1658 East Indian Wells Lane Draper, UT 84020

#### IMPORTANT MESSAGE ABOUT YOUR LOAN

The Federal Emergency Management Agency (FEMA) has determined your structure is no longer in a Special Flood Hazard Area (SFHA); therefore, we no longer require flood insurance.

### WHAT YOU SHOULD DO

You may contact your insurance carrier to cancel your flood insurance. We are unable to cancel your policy on your behalf. Your carrier may be able to send you a refund for the unused portion of your premium.

In the case where BAC Home Loans Servicing, LP purchased a flood policy on your behalf, we will automatically cancel the policy. You will receive a refund for the unused premium, if applicable.

#### A FRIENDLY SUGGESTION

FEMA urges property owners to consider purchasing flood insurance voluntarily, "because it is not just the high-risk areas that are in danger of flooding". According to FEMA, "Twenty-five percent of all flood insurance claims are from buildings located outside of the identified high-risk areas."

If your policy is cancelled and your property experiences flood damage, you may not receive government or lender assistance. Therefore, you may want to consider maintaining a flood insurance policy with a carrier of your choice.

In the event FEMA later designates your structure(s) to be within an SFHA, or BAC Home Loans Servicing, LP's requirements for flood insurance change, you may be required to obtain a flood policy.

You are a valued customer here at BAC Home Loans Servicing, LP. It is our continued goal to provide our customers with the highest level of customer satisfaction. If you need further assistance, please contact our Customer Service Department directly at (800) 641-5301.



## Federal Emergency Management Agency

Washington, D.C. 20472

July 27, 2010

THE HONORABLE DARRELL SMITH 1020 PIONEER ROAD DRAPER, UT 84020 CASE NO.: 10-08-0682A

COMMUNITY: CITY OF DRAPER, SALT LAKE

COUNTY, UTAH

COMMUNITY NO.: 490244

DEAR MR. SMITH:

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 Revision (LOMR) Floodway 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 LOMRs. 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, 6730 Santa Barbara Court, Elkridge, MD 21075.

Sincerely,

Kevin C. Long, Acting Chief Engineering Management Branch

Kwin C. Tong.

Mitigation Directorate

#### LIST OF ENCLOSURES:

LOMR-FW DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator Community Map Repository

Region

Mr. James G. Vandiver

Page 1 of 2

Date: July 27, 2010

Case No.: 10-08-0682A

LOMR-FW



## Federal Emergency Management Agency

Washington, D.C. 20472

# LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION				
COMMUNITY	CITY OF DRAPER, SALT LAKE COUNTY, UTAH	Lot 32, Masters at Draper, Phase 1 Amended, as described in the Warranty Deed recorded as Document No. 9460502, in the Office of the Recorder, Salt Lake County, Utah (APN: 28-28-330-002)				
	COMMUNITY NO.: 490244					
AFFECTED	NUMBER: 49035C0463G					
MAP PANEL	DATE: 9/25/2009					
FLOODING SOURCE: WILLOW CREEK (EAST)		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.527, -111.844  SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 8.0 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)
32		Masters at Draper 1	1658 East Indian Wells Lane	Structure	X (unshaded)	4588.5 feet	4598.0 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.)

**INADVERTENT INCLUSION FLOODWAY 1** 

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision 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 NFIP regulatory floodway or 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 revises the effective NFIP map to remove the subject property from the NFIP regulatory floodway and 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, 6730 Santa Barbara Court, Elkridge, MD 21075.

Kevin C. Long, Acting Chief

Engineering Management Branch

Kwin C. Long

Mitigation Directorate

Page 2 of 2'

Date: July 27, 2010

Case No.: 10-08-0682A

LOMR-FW



## Federal Emergency Management Agency

Washington, D.C. 20472

# LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

# INADVERTENT INCLUSION IN THE FLOODWAY 1 (PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY) (This Additional Consideration applies to the preceding 1 Property.)

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 an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Therefore, the NFIP regulatory floodway modification described in the Determination Document, while acceptable to the Federal Emergency Management Agency (FEMA), must also be acceptable to the community and adopted by appropriate community action, as specified 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, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at http://www.fema.gov/about/regoff.htm.

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, 6730 Santa Barbara Court, Elkridge, MD 21075.

Kevin C. Long, Acting Chief Engineering Management Branch Mitigation Directorate



## Federal Emergency Management Agency

Washington, D.C. 20472

# ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), 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 LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F 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 LOMR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMR-F 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 LOMR-F 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.

LOMRFENC-I (LOMR-F Removal)

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 contacting 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.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise 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.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs 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 the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

LOMRFENC-1 (LOMR-F Removal)

## U.S. DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency

### **ELEVATION CERTIFICATE**

OMB No. 1660-0008 Expires March 31, 2012

National Flood Insurance Program

Important: Read the instructions on pages 1-9.

		SEC	TION A - PRO	PERTY INF	ORMA	TION		For Insurance Company Use:
A1. Building Owner's Nar	ne James G. & N							Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bidg. No.) or P.O. Route and Box No. 1658 east Indian Wells Lane						-	Company NAIC Number	
	Ut ZIP Code	84020			<u> </u>			
A3. Property Description Tax ID# 28-28-330-002	(Lot and Block Nu	mbers, Tax Parcel	Number, Legal I	Description, et	C.)	,		
A4. Building Use (e.g., Ro A5. Latitude/Longitude: L A6. Attach at least 2 phot A7. Building Diagram Nu A8. For a building with a a) Square footage o b) No. of permanent enclosure(s) within c) Total net area of	at. 40,313945 N ographs of the buinber 3 crawlspace or end frowdspace or end flood openings in 1.0 foot above a	Long. 111.503798 \(\) Iding if the Certification Iosure(s): Idosure(s) the crawispace or djacent grade	W	to obtain floo A9. I	For a bu a) Squa b) No. withi	nce. dding with an are footage o of permanent in 1.0 foot abo	attached fattached flood op ove adjac	d garage <u>704</u> sq ft enings in the attached garage cent grade <u>n/a</u>
d) Engineered flood	openings?	Yes 🖾 No	एक इस्रोत			ineered flood		nings in A9.b <u>n/a</u> sqin s? ☐ Yes ⊠ No
	SECT	ION B - FLOOD	INSURANCE	RATE MAP	(FIRM	) INFORMA	TION	
B1. NFIP Community Nam Draper City 490244	e & Community N	umber	B2. County Na Salt Lake	me			B3. Uta	State th
B4. Map/Panel Number 49035C0463	B5. Suffix G	B6. FIRM Index Date	Effective	FIRM Panel re/Revised Da 1-25-2009	te	B8. Floo Zone(s) AE	d	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 4588.00'
312. Is the building located Designation Date	SECTION	N C - BUILDING	CBRS	☐ OPA	·			☐ Yes      No }
<ol> <li>Building elevations are "A new Elevation Certifications - Zones A1- below according to the Benchmark Utilized 45 Conversion/Comments</li> </ol>	icate will be requir A30, AE, AH, A (v building dlagram t <u>29.59</u> Vertical Dati	vith BFE), VE, V1-V specified in Item A7 um <u>NAVD 88</u>	on of the buildin /30, V (with BFE . Use the same	g is complete.  ), AR, AR/A, / datum as the	R/AF	Construction* AR/A1-A30, A	_	Finished Construction  R/AO. Complete Items C2.a-h
						beck the mea		
<ul><li>b) Top of the next high</li><li>c) Bottom of the lower</li><li>d) Attached garage (</li></ul>	ther floor est horizontal struc op of slab)	nent, crawispace, or tural member (V Zo uipment servicing ti	ones only)	4606.51 4602.40	⊠ feet _ □ ⊠ feet	meters ( meters ( meters ( feet meters ( meters (	Puerto R mete Puerto R	tico only) ars (Puerto Rico only) tico only)
(Describe type of of f) Lowest adjacent (fing) Highest adjacent (final final f	equipment and loc inished) grade ne: finished) grade ne	ation in Comments) It to building (LAG) xt to building (HAG	)	4597.96 4604.27	⊠ feet ⊠ feet	meters (	(Puerto R (Puerto R	ico only)
h) Lowest adjacent g structural support	ade at lowest elei	vation of deck or sta	airs, including	<u>4598.20</u>	⊠ feet	☐ meters (	Puerto R	ico only)
75.1	SECTIO	N D - SURVEYO	R, ENGINEEI	R, OR ARCH	ITECT	CERTIFICA	ATION	Δ
This certification is to be si information. I certify that it understand that any false sincheck here if commen	le information on t datement may be i	his Certificate repre punishable by fine (	esents my best a	efforts to interp under 18 U.S and longitude i	ret the . Code,	data available Section 1001 on A provided	9. <i>l</i> 1. <b>i⊠</b> l	
Certifier's Name David B D	raper			License Nun	nber 68	61599		WWW Bills
Title Land Surveyor			McNeil Enginee					4-17-10
Address 6895 South 900	East —	City Midvale		State Ut		ZIP Code 8	4047	
Signature	8 Hanne	Date 4	4-27-2010	Telephone	801-25	5-7700		O ULL

## **Building Photographs**

See Instructions for Item A6.

Dullette Out of the state of th	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bidg. No.) or P.O. Route and Box No. 1655 east Indian Wells Lane	Policy Number
1	
City Draper State UT ZIP Code 64020	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.

### North Face of building



# Building Photographs Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1658 east Indian Wells Lane	For Insurance Company Use: Policy Number
City Draper State UT ZIP Code 84020	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."





