



**Town of Sullivan's Island
Non-conversion Agreement
For certain structures in the floodplain**

Whereas, _____ is the owner of lot _____, Block _____ on a survey by _____ recorded in the RMC office for Charleston County, South Carolina in Book _____ at page _____, said property having address _____ and TMS# _____.

The owner of this property has been issued Permit # _____ to construct, improve, or repair the property indicated above in the Town of Sullivan's Island, South Carolina; and

Whereas the permitted building has the lowest floor elevated and/or the lowest structural member and all equipment servicing the building above the [design flood elevation/base flood elevation plus 1 foot], and the design and construction of the building meets current building code and flood damage prevention ordinance requirements; and

Whereas a condition of a Certificate of Occupancy, the owner must agree to not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements.

Whereas the owner places these restrictions on its property for the benefit of the Town of Sullivan's Island residents:

Now, therefore, the undersigned owner of said property hereby agrees to the following:

1. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the flood damage prevention ordinance in effect at the time of conversion. An allowable uses list is available from the Town.
2. That all interior walls, ceilings, and floors below the [design flood elevation/base flood elevation plus 1 foot] shall be unfinished or constructed of class 4 or 5 flood-resistant materials.
3. That mechanical, electrical or plumbing devices that service the building shall not be install below the [design flood elevation/base flood elevation plus 1 foot] unless specifically approved and permitted by the floodplain manager.

4. That the openings in the walls of the enclosed area below the lowest floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exist of floodwater.
5. That any breakaway wall will not be altered or obstructed by attaching electrical devices or wires, plumbing pipes, irrigation pipes, mechanical equipment or ductwork and any other item or fixture that would impede the breakaway capacity of such wall.
6. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and subject the owner to all remedies afforded by the ordinances of the Town of Sullivan’s Island and Federal Emergency Management Agency.
7. That the owner and subsequent owners agree to allow a representative of the Town of Sullivan’s Island on the premises to verify compliance with this agreement at least once a year. The Town representative will provide at least 48 hours’ notice of such visit and will provide prompt notice of any violations discovered.
8. These restrictions shall be covenants running with the land and shall be binding on the owners and their heirs, successors or assigns forever.
9. That this agreement shall be recorded with the deed to the above property so that subsequent owners are made aware of these restrictions, and the same may not be modified or cancelled except with the written consent of the Town of Sullivan’s Island and recorded in the RMC Office for Charleston County, South Carolina.

Property address: _____ TMS#: _____

Property Owner Signature: _____ Date: _____

WITNESS the grantor’s hand(s) and seal(s) this _____ day of _____, _____

SIGNED, sealed and delivered in the presence of:

(WITNESS #1)

NAME:

(WITNESS #2)

NAME:

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The forgoing instrument was acknowledged before me this _____ day of _____, _____, by the Grantor, who, executed the within written agreement and is a person known to me.

 Notary Public for South Carolina
 My Commission expires: _____

Notary
 Seal