



# Federal Emergency Management Agency

Washington, D.C. 20472

November 09, 2006

THE HONORABLE WILLIAM AUGUSTADT  
CITY OF BISMARCK  
PO BOX 5503  
1020 E CENTRAL AVENUE  
BISMARCK, ND 58502

CASE NO.: 07-08-0047A  
COMMUNITY: CITY OF BISMARCK, BURLEIGH  
COUNTY, NORTH DAKOTA  
COMMUNITY NO.: 380149

DEAR MR. AUGUSTADT:

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 based on Fill (LOMR-F) 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 LOMR-Fs. 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, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

William R. Blanton Jr., CFM, Chief  
Engineering Management Section  
Mitigation Division

**LIST OF ENCLOSURES:**

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator  
Community Map Repository  
Region  
Mr. Larry Smith



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## LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA	A portion of Lots 1 through 12, Block 4, Lots 1 through 9, Block 5, Lots 1 through 9, Block 6 and Lots 1 through 73, Block 7, Southbay First Addition, as shown on the Plat recorded as Document No. 659147, in the Office of the Recorder, Burleigh County, North Dakota  The portions of property to be removed from the SFHA are more particularly described by the
	COMMUNITY NO.: 380149	
AFFECTED MAP PANEL	NUMBER: 38015C0795C DATE: 7/19/2005	
FLOODING SOURCE: MISSOURI RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 46.763, -100.801 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 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)
1 - 12	4	Southbay Addition	--	Portion of Property	X (shaded)	1636.1 feet	--	1636.3 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 PORTIONS REMAIN IN THE SFHA  
DETERMINATION TABLE (CONTINUED)  
FILL RECOMMENDATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of 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 revises 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. 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, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

*William R. Blanton Jr.*

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**LETTER OF MAP REVISION BASED ON FILL  
DETERMINATION DOCUMENT (REMOVAL)**  
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

**LEGAL PROPERTY DESCRIPTION (CONTINUED)**

following metes and bounds:

**BLOCK 4**

BEGINNING at the northwest corner of Lot 12; thence S89°51'33"E, 162.66 feet; thence S00°08'44"W, 300.87 feet; thence S06°58'01"W, 88.93 feet; thence S00°03'20"E, 697.56 feet; thence S03°04'31"E, 144.38 feet; thence N89°51'16"W, 140.00 feet; thence N00°08'44"E, 1067.44 feet; thence northwesterly and to the left on a 400.00 foot radius curve an arc length of 84.77 feet; thence N11°59'49"W, 49.72 feet; thence northwesterly and to the right on a 145.00 foot radius curve an arc length of 30.90 to the POINT OF BEGINNING.

**BLOCK 5**

BEGINNING at the northwest corner of Lot 9; thence S89°51'16"E, 140.00 feet; thence S00°08'44"W, 414.21 feet; thence S23°50'57"W, 43.92 feet; thence S00°33'15"W, 239.74 feet; thence S00°27'00"E, 273.25 feet; thence S80°54'27"W, 39.06 feet; thence northwesterly and to the left on a 240.00 foot radius curve an arc length of 214.94 feet; thence N49°39'17"W, 67.55 feet; thence N31°10'16"E, 22.26 feet; thence bearing northerly and to the left on a 320.00 foot radius curve an arc length of 162.15 feet; thence N00°08'44"E, 566.03 feet to the POINT OF BEGINNING.

**BLOCK 6**

BEGINNING at the northwest corner of Lot 1; thence S32°18'53"E, 132.43 feet; thence N70°52'59"E, 240.70 feet; thence N75°36'59"E, 463.32 feet; thence N83°57'59"E, 218.29 feet; thence northwesterly and to the left on a 160.00 foot radius curve an arc length of 142.21 feet; thence N49°39'17"W, 67.55 feet; thence southwesterly and to the right on a 320.00 foot radius curve an arc length of 151.61 feet; thence S74°40'15"W, 722.40 feet; thence southwesterly and to the left on a 160.00 foot radius curve an arc length of 30.04 feet to the POINT OF BEGINNING.

**BLOCK 7**

BEGINNING at the southwest corner of Lot 1; thence N08°56'52"W, 148.07 feet; thence N74°48'24"E, 761.17 feet; thence northeasterly and to the left on a 110.00 foot radius curve an arc length of 173.20 feet; thence N15°24'33"W, 108.38 feet; thence N06°05'35"W, 106.85 feet; thence N12°00'08"E, 83.26 feet; thence N01°14'47"E, 121.10 feet; thence northerly and to the left on a 600.00 foot radius curve an arc length of 236.51 feet; thence N08°17'42"W, 56.60 feet; thence N10°52'18"W, 102.44 feet; thence N00°28'49"W, 142.93 feet; thence N10°35'30"E, 220.58 feet; thence northerly and to the left on a 150.00 foot radius curve an arc length of 27.00 feet; thence N00°16'44"E, 339.94 feet; thence N16°24'12"W, 49.44 feet; thence N50°42'51"W, 77.13 feet; thence N67°24'59"W, 101.39 feet; thence N89°50'28"W, 401.74 feet; thence southwesterly and to the left on a 150.00 foot radius curve an arc length of 91.21 feet; thence S55°19'03"W, 56.12 feet; thence southwesterly and to the left on a 125.00 foot radius curve an arc length of 114.69 feet; thence S02°44'56"W, 17.40 feet; thence

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ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

southeasterly and to the left on a 105.00 foot radius curve an arc length of 210.86 feet; thence easterly and to the right on a 198.50 foot radius curve an arc length of 780.92 feet; thence westerly and to the left on a 100.00 foot radius curve an arc length of 182.91 feet; thence S08°18'03"W, 42.82 feet; thence southerly and to the left on a 200.00 foot radius curve an arc length of 89.46 feet; thence S17°19'43"E, 36.36 feet; thence southeasterly and to the left on a 70.00 foot radius curve an arc length of 97.51 feet; thence N82°51'39"E, 103.49 feet; thence southeasterly and to the right on a 195.00 foot radius curve an arc length of 482.89 feet; thence S44°44'43"W, 514.95 feet; thence northwesterly and to the right on a 197.00 foot radius curve an arc length of 531.72 feet; thence N19°23'29"E, 39.98 feet; thence northwesterly and to the left on a 95.00 foot radius curve an arc length of 160.74 feet; thence N77°33'11"W, 48.66 feet; thence N12°26'49"E, 128.24 feet; thence S89°51'33"E, 172.93 feet; thence northeasterly and to the left on a 93.00 foot radius curve an arc length of 145.87 feet; thence N00°16'32"E, 532.68 feet; thence S89°43'29"E, 274.33 feet; thence southeasterly and to the right on a 60.00 foot radius curve an arc length of 44.17 feet; thence northerly and to the left on a 65.50 foot radius curve an arc length of 302.21 feet; thence westerly and to the right on a 60.00 foot radius curve an arc length of 44.17 feet; thence N89°43'29"W, 274.33 feet; thence N00°16'32"E, 412.40 feet; thence northeasterly and to the right on a 327.00 foot radius curve an arc length of 50.75 feet; thence northeasterly and to the left on a 183.00 foot radius curve an arc length of 118.96 feet; thence N61°01'34"E, 113.18 feet; thence easterly and to the right on a 162.00 foot radius curve an arc length of 82.40 feet; thence S89°49'47"E, 436.78 feet; thence southeasterly and to the right on a 162.00 foot radius curve an arc length of 82.34 feet; thence S60°42'30"E, 112.92 feet; thence easterly and to the left on a 183.00 foot radius curve an arc length of 118.21 feet; thence southerly and to the right on a 320.00 foot radius curve an arc length of 40.60 feet; thence S00°08'44"W, 336.23 feet; thence southerly and to the right on a 760.00 foot radius curve an arc length of 76.37 feet; thence S05°54'11"W, 278.41 feet; thence southerly and to the left on a 840.00 foot radius curve an arc length of 169.77 feet; thence S05°40'37"E, 163.00 feet; thence southerly and to the right on a 760.00 foot radius curve an arc length of 153.60 feet; thence S05°54'11"W, 166.13 feet; thence southerly and to the left on a 840.00 foot radius curve an arc length of 169.77 feet; thence S05°40'37"E, 197.98 feet; thence southwesterly and to the right on a 200.00 foot radius curve an arc length of 168.60 feet; thence southwesterly and to the right on a 240.00 foot radius curve an arc length of 134.25 feet; thence S74°40'15"W, 722.40 feet; thence southwesterly and to the left on a 240.00 foot radius curve an arc length of 59.94 feet to the POINT OF BEGINNING.

DETERMINATION TABLE (CONTINUED)

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)
1-9	5	Southbay Addition	-	Portion of Property	X (shaded)	1635.7 feet	-	1636.3 feet

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, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

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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)
1-9	6	Southbay Addition	--	Portion of Property	X (shaded)	1635.3 feet	--	1636.3 feet
1-73	7	Southbay Addition	--	Portion of Property	X (shaded)	1636.1 feet	--	1636.3 feet

**FILL RECOMMENDATION (This Additional Consideration applies to the preceding 4 Properties.)**

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 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/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 4 Properties.)**

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

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## 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 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. When necessary, FEMA will inform the community about superseded determinations 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.

