



Federal Emergency Management Agency

Washington, D.C. 20472

August 6, 2009

Mr. Bill Heatherman, P.E.
City of Overland Park
City Hall
8500 Santa Fe Drive
Overland Park, KS 66212

Case No.: 09-07-1315A
Community: City of Overland Park, KS
Community No.: 200174
Map Effective Date: August 3, 2009
Multiple Lot LOMR-F-Removal

Dear Mr. Heatherman:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the structures described in the enclosed table are located within an identified Special Flood Hazard Area (SFHA), 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, we have determined that the structures are not located in the SFHA. This document revises the effective NFIP map to remove the subject structures from the SFHA located on the effective NFIP map; therefore the Federal mandatory flood insurance requirements do not apply.

Because this LOMR-F will not be printed or distributed to primary map users, such as local insurance agents and mortgage lenders, your community will serve as a repository for this new data. We encourage you to disseminate the information reflected by this letter throughout your community so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information.

This determination is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free, at (877) 336-2627 (877-FEMA MAP).

Sincerely,

A handwritten signature in cursive script that reads "William R. Blanton Jr.".

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

Enclosure

cc: State/Commonwealth NFIP Coordinator
Region



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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 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.

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 qualify 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.

Property Identifier	Lot	Block	Address	Map Panel	Zone
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 69			8901 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 70			8905 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 71			8909 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 72			8913 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 73			8917 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 74			8921 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 75			8925 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 76			8929 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 77			8903 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 78			8907 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 79			8911 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 80			8915 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 81			8919 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 82			8923 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 83			8927 W 106TH TER	20091C0067G	X
THE ORCHARDS FIFTH PLAT REPLAT BLDG 6 UNIT 84			8931 W 106TH TER	20091C0067G	X
VENDOME	11		12516 W 121ST ST	20091C0066G	X
VENDOME	12-13		12512 W 121ST ST	20091C0066G	X
VENDOME	14		12504 W 121ST ST	20091C0066G	X
VENDOME	15		12500 W 121ST ST	20091C0066G	X
VENDOME	27		12121 WESTGATE ST	20091C0066G	X
VENDOME	28		12201 WESTGATE ST	20091C0066G	X
VENDOME	29		12205 WESTGATE ST	20091C0066G	X