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FEE # 92 08962

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Navajo County Engineering  
ON JUN 09 '92 - 11 50 AM

IN DOCKET 1082 PAGE(S) 28-31 Incl.  
OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA  
JAY H. TURLEY, RECORDER

CAPTION HEADING: Resolution

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DISTRICT V  
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PINETOP, AZ 85935  
RES. 367-2551

## BOARD OF SUPERVISORS

NAVAJO COUNTY  
GOVERNMENTAL CENTER  
P.O. Box 668  
HOLBROOK, AZ 86025  
PHONE (602) 524-6161

EDWARD J. KOURY  
COUNTY MANAGER

SHARON R. KEENE  
CLERK OF THE BOARD

Resolution No. 45-92

### RESOLUTION FOR A VARIANCE USE WAIVER, OF THE NAVAJO COUNTY FLOODPLAIN ORDINANCE

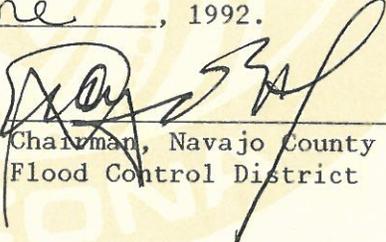
WHEREAS, the Navajo County Board of Supervisors is acting in their capacity as the Floodplain Board of Navajo County; and

WHEREAS, the Assessor's Parcel Number 103-30-022 is in the floodplain as shown on Floodway Panel Number 040044-1631B, dated June 1, 1992; and

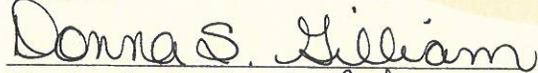
WHEREAS, the owner is aware of the dangers of living in the floodplain and is willing to hold Navajo County harmless for any damages due to flooding; and

NOW, THEREFORE, BE IT RESOLVED That the Floodplain Board of Navajo County does hereby grant a variance that an addition to the existing home may be built with a finish floor elevation one foot (1') above the existing ground elevation.

DATED this 8th day of June, 1992.

  
Chairman, Navajo County  
Flood Control District

ATTEST:

  
Clerk of the Board 

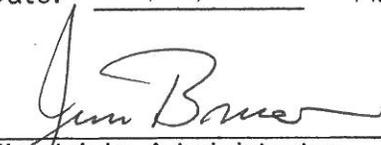
FLOODPLAIN USE PERMIT

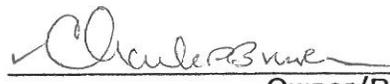
- 1) This Floodplain Use Permit is being issued in conjunction with Navajo County Building Permit No. 15376 and becomes a part of the Building Permit.
- 2) This permit is being issued in accordance with the Navajo County Board of Supervisors Flood Damage Prevention Ordinance, Resolution No. 110-87 and complies with this Ordinance.
- 3) **WARNING AND DISCLAIMER OF LIABILITY.** Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The above mentioned Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Also, said Ordinance shall not create liability on the part of Navajo County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on said Ordinance or any Administrative decision lawfully made thereunder.
- 4) **FLOODPLAIN USE PERMIT.** A floodplain Use Permit shall be obtained before construction or development begins with any area of special flood hazard. Application for a Floodplain Use Permit shall be made on forms furnished by the Floodplain Administrator (Navajo County Engineer) and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill storage of materials, drainage facilities; and the location of aforementioned.

**NOTE:** A benchmark that has been referenced to the National Geodetic vertical datum of 1929 shall be established within fifty feet (50') to the building foundation. This benchmark shall be set by a Registered Engineer or Surveyor as required by 5.1-2(1) of the Navajo County Flood Prevention Ordinance for use by the builder to determine the proposed construction elevation and for use by the Navajo County Building Department and Floodplain Administrator in inspecting the structure upon completion. The lowest habitable floor (including basement) of this structure shall be built at a minimum elevation of 4848.00.

This building site is in the A2 flood zone/floodway as determined from the FEMA FIRM Flood Map 040066-1631B - June 1, 1982.

Date: 5/28/92 Assessor's Parcel Number: 103-30-022

  
\_\_\_\_\_  
Floodplain Administrator

  
\_\_\_\_\_  
Owner/Representative

\*Copies of the complete Navajo County Flood Damage Prevention Ordinance can be obtained at the Navajo County Engineering Department.

**RELEASE AND HOLD HARMLESS AGREEMENT**

Release executed this 28 day of May, 1992, by Charles P. Brewer and Leslie K. Brewer, husband and wife (the **BREWER's**), in favor of Navajo County (**COUNTY**).

**WHEREAS**, the **BREWER's** are the owners of real property located in Navajo County, Arizona, designated as Assessor's Parcel Number 103-30-022 (the **PROPERTY**); and

**WHEREAS**, the **PROPERTY** is in the floodplain shown on Floodway Map 040066-1631B, dated June 1, 1982; and

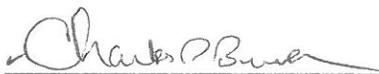
**WHEREAS**, the **BREWER's** have requested a variance to add an addition to their residence; and

**WHEREAS**, the **BREWER's** have been advised of the dangers of living in the floodplain, and that insurance, including flood insurance may not be available to them; and

**WHEREAS**, the Navajo County Board of Supervisors, acting in their capacity as the Floodplain Board of Navajo County, has agreed to grant the variance requested by the **BREWER's**.

**NOW, THEREFORE**, in consideration of the Navajo County Board of Supervisors granting the variance requested by the **BREWER's**, pursuant to Resolution Number 45-92, the **BREWER's** agree to assume the risk of all damage, loss, costs and expenses, and agree to hold harmless Navajo County, its officers, agents, and employees from and against any and all liability, damage, loss, cost and expense, which may accrue to or be sustained by the **BREWER's**, their heirs or assigns, on account of any claim, suit, or action made or brought against Navajo County, its officers, agents and employees arising out of the grant of the variance permitting the **BREWER's** build an addition on their residence on the real property designated as Assessor's Parcel Number 103-30-022. This Agreement shall enure to the benefit of the members of the Board of Supervisors of Navajo County, both in their individual and official capacities, and the successors and assigns of the foregoing.

**IN WITNESS WHEREOF**, Charles P. Brewer and Leslie K. Brewer, husband and wife, have executed this Release on the day and year first written above.

  
\_\_\_\_\_  
Charles P. Brewer

  
\_\_\_\_\_  
Leslie K. Brewer