

"The Jewel of Utah's Dixie"



Mayor
Dennis Drake

City Manager
Matthew J. Brower

City Council
Bruce Anderson
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Clark Gubler
Mary Jo Hafen
Rick Rosenberg

RELEASE OF LIABILITY SANTA CLARA RIVER EROSION HAZARD ZONE

In consideration of the agreement of the City of Santa Clara to issue the undersigned property owner a Building Permit for the construction of a structure upon the real property described below, the undersigned acknowledge and agrees as follows:

1. Based on the proximity of this property to the Santa Clara River, structures constructed on the real property described below may be subject to a flooding and damage from erosion. The property owner assumes any and all risk of damage and personal injury as a result of its proximity to the Santa Clara River, and does indemnify and hold harmless the City of Santa Clara, its officers, boards, successors, assigns, employees, and agents, from any and all claims of damages of whatever nature, and by any person, related to the use of their property now and in the future, by reason of flooding, or any damage, directly or indirectly, caused by water, erosion, or deposition, sudden or gradual, whether surface, flood or rainfall.
2. The subject property is located within the Erosion Hazard Zone Boundary as shown by the Draft River Stability Study prepared by JE Fuller Hydrology & Geomorphology, dated June 2005. The erosion hazard zone consists of the channel margin area at risk to sustain erosion damage during a 100 year flood. The risk from erosion may be reduced by implementing accepted river management strategies and erosion control improvements. Property Owners are encouraged to investigate and evaluate the risk prior to building structures within this zone.
3. No encroachment, placement of fill, clearing, removal of vegetation or activity or work of any kind is allowed in the Santa Clara River Flood Plain without necessary approvals and permits from the City, State, and Federal Agencies.
4. It is recommended that Property Owners purchase and maintain a flood insurance policy.
5. A FEMA Elevation Certificate, prepared by a license professional, verifying the minimum finished floor elevation may be required by the building official prior to issuance of a certificate of occupancy.

The covenants and agreements herein made shall run with the land and shall be binding upon the heirs, successors and assigns of the undersigned.

THE REAL PROPERTY AFFECTED BY THIS AGREEMENT IS DESCRIBED AS:

DATE: _____

PROPERTY OWNER

PROPERTY OWNER

STATE OF UTAH)
 :SS
COUNTY OF WASHINGTON)

On this _____ day of _____, 20_____ personally appeared before me
_____ and _____, the signer(s) of the above
instrument, who duly acknowledged to me that he/she/they executed the same.

Notary Public

Residing at:

My Commission Expires: