

# Wayne County Section 202 Non-Structural Project

## USACE TRACTS 524FP (Parcel 50-08-0040-0039-0000)

248 JENNIES CREEK RD, KERMIT, WV, 25674

The original structure 524FP was floodproofed in 1991 and elevated 10.2 feet for the owners Curtis and Christin Marcum in 1999. The structure was then sold in 2015 to James and Maxine Dingess who modified the floodproofed structure from two stories to one story.

### **QUESTIONS:**

- 1) Is the modified Section 202 structure Tract 524FP at 248 Jennies Creek Road a **habitable** structure?
- 2) Should the original **Floodproofing Agreement** have been recorded when the original floodproofed owner MARCUM sold the property to the new owner DINGESS?

[1999 USACE Floodproofed Bldg. \(Tract 524FP\)](#)



[Structure Modified \(2023 Google Street View\)](#)



*Structure 524FP Modified to One Story*

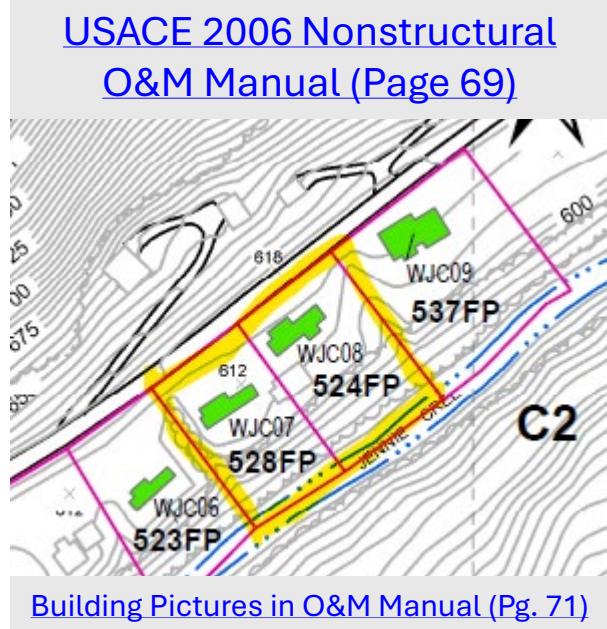
# USACE TRACT 524FP (Parcel 50-08-0040-0039-0000)

248 JENNIES CREEK RD, KERMIT, WV, 25674

[WV Flood Tool](#)

Recorded  
[Floodproofing Agreement](#)  
for Tract No. 524FP Wyant  
County Nonstructural  
Project in 1999

Property was transferred to  
James and Maxine Dingess  
in 2005 ([Deed Book 709,](#)  
[Page 307](#)) but floodproofing  
agreement was not  
attached.



Page 4 of Floodproofing Agreement dated  
28 September 1999...

6. "The Owners, for themselves and their heirs and assigns, hereby covenant and warrant to The County Commission of Wayne County, and to its assigns forever, and agree, that no construction, alteration, or placement of structures of any kind or nature whatsoever on said land shall take place thereof to be used for human habitation, commercial or business purposes is elevated above 619.0 feet mean sea level, the 100-year flood elevation, and that this restriction shall be specifically included in every instrument subsequent hereto conveying title to any interest in said land or structures thereon."

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER <b>Wayne Co., WV CN540200 0166B</b>	B2. COUNTY NAME <b>Wayne County</b>	B3. STATE <b>WV</b>			
B4. MAP AND PANEL NUMBER <b>Panel 166 of 225</b>	B5. SUFFIX <b>B</b>	B6. FIRM INDEX DATE <b>9/18/87</b>	B7. FIRM PANEL EFFECTIVE/REVISED DATE <b>9/18/87</b>	B8. FLOOD ZONE(S) <b>AE</b>	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding) <b>620</b>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.

[WV Flood Tool](#)

FIS Profile     FIRM     Community Determined     Other (Describe): \_\_\_\_\_

B11. Indicate the elevation datum used for the BFE in B9:  NGVD 1929     NAVD 1988     Other (Describe): \_\_\_\_\_

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?  Yes     No  
Designation Date: \_\_\_\_\_

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*     Building Under Construction\*     Finished Construction

\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number 6 (Select the building diagram most similar to the building pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photo)

C3. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, Complete Items C3a-i below according to the building diagram specified in Item C2. State the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum USACOE Conversion/Comments BM ELEVATION - 611.279'

### USACE Tract 524FP Building

Structure elevated 10.2 ft. or 620.2 ft., above the 100-year flood elevation of 619 feet

Elevation reference mark used BM 1134/11 Does the elevation reference mark used appear on the FIRM?  Yes     No

- a) Top of bottom floor (including basement or enclosure)
- b) Top of next higher floor
- c) Bottom of lowest horizontal structural member (V zones only)
- d) Attached garage (top of slab)
- e) Lowest elevation of machinery and/or equipment servicing the building
- f) Lowest adjacent grade (LAG)
- g) Highest adjacent grade (HAG)

620 . 22 ft.(m)

N/A .    ft.(m)

N/A .    ft.(m)

N/A .    ft.(m)

N/A .    ft.(m)

~ 610 .    ft.(m)

~ 612 .    ft.(m)

Signature, and Date

Elevation Certificate attached to [Floodproofing Agreement](#)  
(page 8)

From: \* 01/01/1900  Thru: \* 02/10/2025  Ab Starts With

All Section 202 Nonstructural Floodproofing Agreements for Mitigated Structures are located on Wayne County's [Online Deed System](#)

Dates Name Filter Search Results Tools Account Verification

Book & Page		31	265												
Index	Image	Flag	Status	Date	Document	Book Page	Pages	Sub	Name	Sub2	Other	Description	Cross Date	Instrument	
3	<a href="#">Image</a>		Verified	12/21/1999	AGREEMENT	31 @ 265	11	GRANTOR	MARCUM CURTIS RAY	GRANTEE	WAYNE COUNTY COMMISSION (UNITED STATES OF AMERICA)	AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTURAL FLOOD CONT		86882	
4	<a href="#">Image</a>		Verified	12/21/1999	AGREEMENT	31 @ 265	11	GRANTOR	MARCUM CHRISTINE	GRANTEE	WAYNE COUNTY COMMISSION (UNITED STATES OF AMERICA)	FLOODPROOFING AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTURAL FLOOD CONT		86882	
5	<a href="#">Image</a>		Verified	12/21/1999	AGREEMENT	31 @ 265	11	GRANTEE	WAYNE COUNTY COMMISSION (UNITED STATES OF AMERICA)	GRANTOR	MARCUM CURTIS RAY	FLOODPROOFING AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTURAL FLOOD CONT		86882	
6	<a href="#">Image</a>		Verified	12/21/1999	AGREEMENT	31 @ 265	11	GRANTEE	UNITED STATES OF AMERICA (WAYNE COUNTY COMMISSION)	GRANTOR	MARCUM CURTIS RAY	FLOODPROOFING AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTURAL FLOOD CONT		86882	

Page 1 of 1 (37 items) 1 << < > >>

Sub	Name	Description	Image	Date
GRANTOR	MARCUM CURTIS RAY	FLOODPROOFING AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTURAL FLOOD CONT		
GRANTOR	MARCUM CHRISTINE			
GRANTEE	WAYNE COUNTY COMMISSION (UNITED STATES OF AMERICA)			
	UNITED STATES OF AMERICA (WAYNE			

**USACE Tract 524FP Building**

Floodproofing Agreement dated 12/21/1999 for structure mitigated for Owners Curtis and Christine Marcum

Notes Legal Return

# USACE TRACTS 524FP (Parcel 50-08-0040-0039-0000)

[USACE 2006 Nonstructural O&M Manual \(Page 141\)](#)

JUL 12 2000

Planning, Programs and Project Management Division  
Planning Branch, FPM/Special Studies Section

Mers/mdf/5644

Mr. Charles E. Sammons  
President, Wayne County Commission  
Post Office Box 248  
Wayne, West Virginia 25570

Dear Mr. Sammons:

The purpose of this letter is to turn the completed floodproofing work on Tract No. 524FP, Wayne County Nonstructural Flood Control Project, over to the County Commission. Enclosed are the original recorded copies of the Floodproofing Agreement and the Elevation Certificate. The Floodproofing Agreement, executed by Curtis Ray Marcum and Christine Marcum, homeowners, was recorded on December 21, 1999, in the records of Wayne County in Deed Book 31, at page 265, along with the Elevation Certificate. Also enclosed is the original copy of the Final Inspection Floodproofing Checklist, Maintenance and Compliance. The final inspection was held on December 21, 1999, and was attended by Mr. Randy Fry of your office. It was then determined that the floodproofing work was completed to satisfaction in accordance with project requirements.

In accordance with the Project Cooperation Agreement, it has been determined that the completed floodproofing work is a functional portion of the project, in that it can function independently as flood protection for the eligible structure(s) located on Tract No. 524FP, although the balance of the project is not yet completed. As a functional portion of the project, the completed floodproofing work is suitable to be turned over to the Wayne County Commission for operation, maintenance, repair, replacement, and rehabilitation at no cost to the Government in accordance with the Project Cooperation Agreement and the Maintenance Manual previously furnished to the Commission.

Sincerely,

Oval E. Barr  
Floodproofing Coordinator  
Wayne County  
Floodproofing Program

Enclosures

Copies Furnished:  
CELRH-RE  
CELRH-PM-P (Smith)

## 524FP Building Transfer Letter to County Commission

Letter dated July 12, 2000, from Wayne County Floodproofing Coordinator to President of Wayne County Commission regarding Tract No. 524FP (248 JENNIES CREEK RD, KERMIT, WV, 25674).

Enclosed with the letter were recorded copies of the **Floodproofing Agreement** (executed by Curtis Ray Marcum and Christin Marcum on December 21, 1999, in the records of Wayne County in **Deed Book 31, Page 265**, along with the Elevation Certificate).

Letter stated that the completed floodproofing of this tract was handed to the Wayne County Commission for operation, maintenance, repair, replacement at not cost to the Government in accordance with the **Project Cooperation Agreement** and the **Maintenance Manual**.

Search Advanced Options View																				
From:*	01/01/1900	Ab	Starts With	Exact	Reset Search	Reset Sorting	Index Search	Image Search	Vault Indexes	Clear	Remove Duplicates	Add to Results	Export PDF	Export Excel	Recording Calculator	Help	About	New Account	Login	
Dates	Name Filter			Search			Results			Tools			Account		Verification					
Book & Page		709		307																
Index	Image	Flag	Status	Date	Document			Book Page	Pages	Sub	Name	Sub2	Other	Description	Cross Date	Instrument				
													REGISTRATION SYSTEMS, INC	DISTRICT						
4	Image	Verified	09/18/2015	DEED	709 @ 307			3	GRANTOR	MARCUM CURTIS RAY	GRANTEE	DINGESS JAMES R	1.103 AC JENNIES CREEK LINCOLN DISTRICT Additional...		3130490433					
5	Image	Verified	09/18/2015	DEED	709 @ 307			3	GRANTEE	DINGESS JAMES R	GRANTOR	MARCUM CURTIS RAY	1.103 AC JENNIES CREEK LINCOLN DISTRICT Additional...		3130490433					
6	Image	Verified	09/18/2015	DEED	709 @ 307			3	GRANTEE	DINGESS MAXINE	GRANTOR	MARCUM CURTIS RAY	1.103 AC JENNIES CREEK LINCOLN DISTRICT Additional...		3130490433					
7	Image	Verified	09/18/2015	DEED	709 @ 307			3	GRANTOR	MARCUM CHRISTINE DECEASED	GRANTEE	ESS JAMES	1.103 AC JENNIES CREEK LINCOLN DISTRICT Additional...		3130490433					

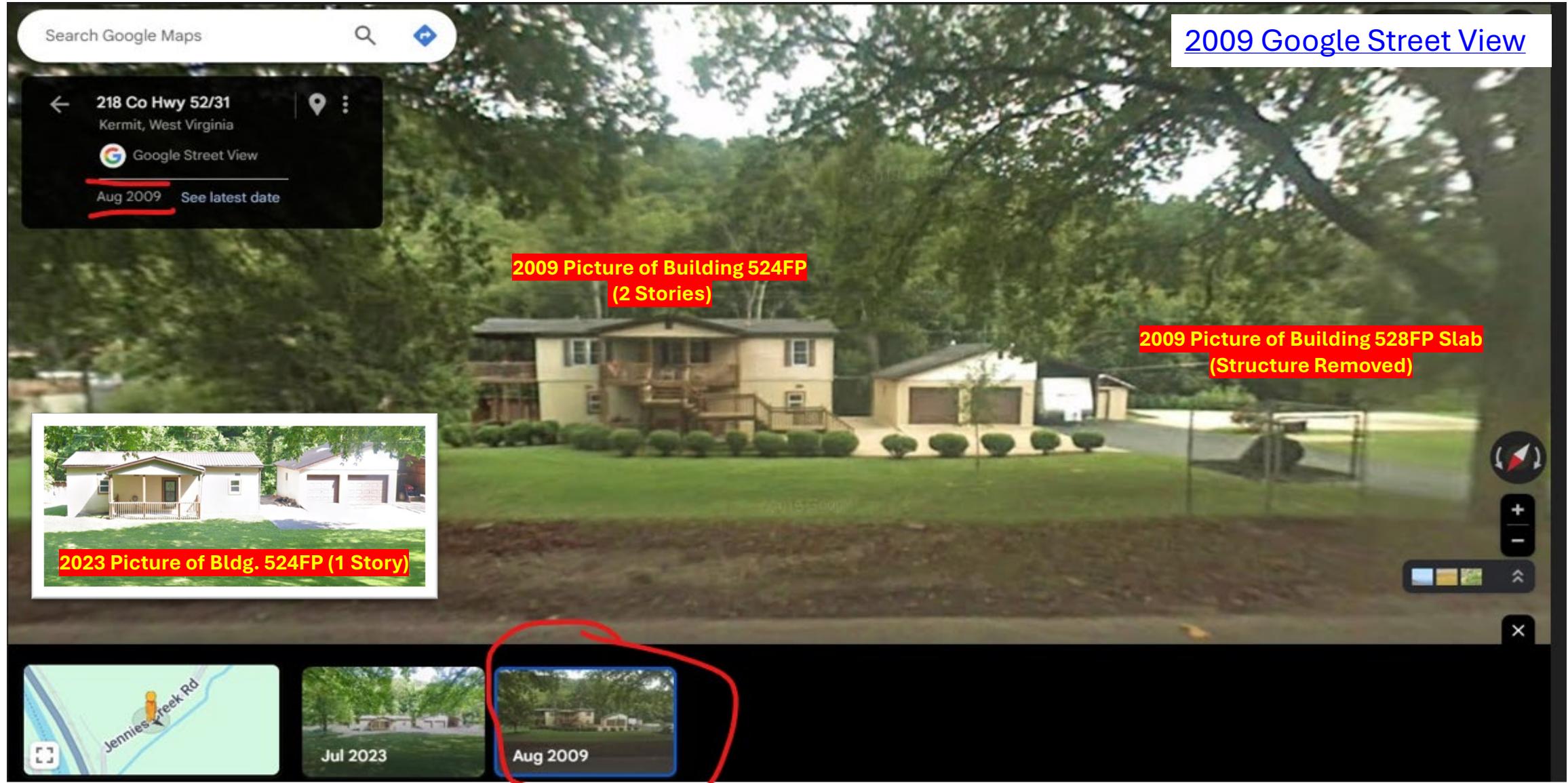
Page 1 of 1 (7 items) << << 1 >> >>

Sub	Name	Description	Image
GRANTOR	MARCUM CURTIS RAY	1.103 AC JENNIES CREEK LINCOLN DISTRICT	
GRANTEE	DINGESS JAMES R	District LINCOLN	
GRANTEE	DINGESS MAXINE	Consideration 6,000.00	
GRANTOR	MARCUM CHRISTINE DECEASED		

**USACE Tract 524FP sold by Curtis Marcum to James & Maxine Dingess in 2015 with no floodproofing agreement attached to the [deed](#)**

# USACE TRACTS 524FP & 528FP (Parcel 50-08-0040-0039-0000)

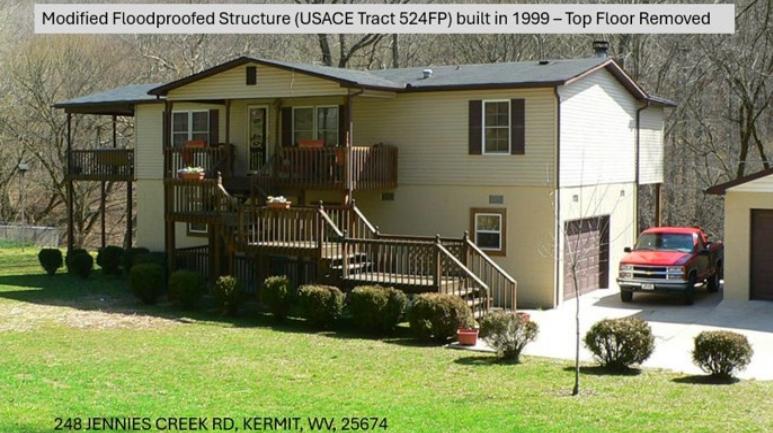
248 JENNIES CREEK RD, KERMIT, WV, 25674



# USACE TRACTS 524FP & 528FP (Parcel 50-08-0040-0039-0000)

248 JENNIES CREEK RD, KERMIT, WV, 25674

## 1999 USACE Floodproofed Bldg. (Tract 524FP)



Structure Modified ([2023 Google Street View](#))



Structure 524FP Modified to One Story

## USACE 2006 Nonstructural O&M Manual (Page 69)



## 1999 USACE Floodproofed Bldg. (Tract 528FP)



Structure Removed ([2009 Google Street View](#))



Structure 528FP Removed

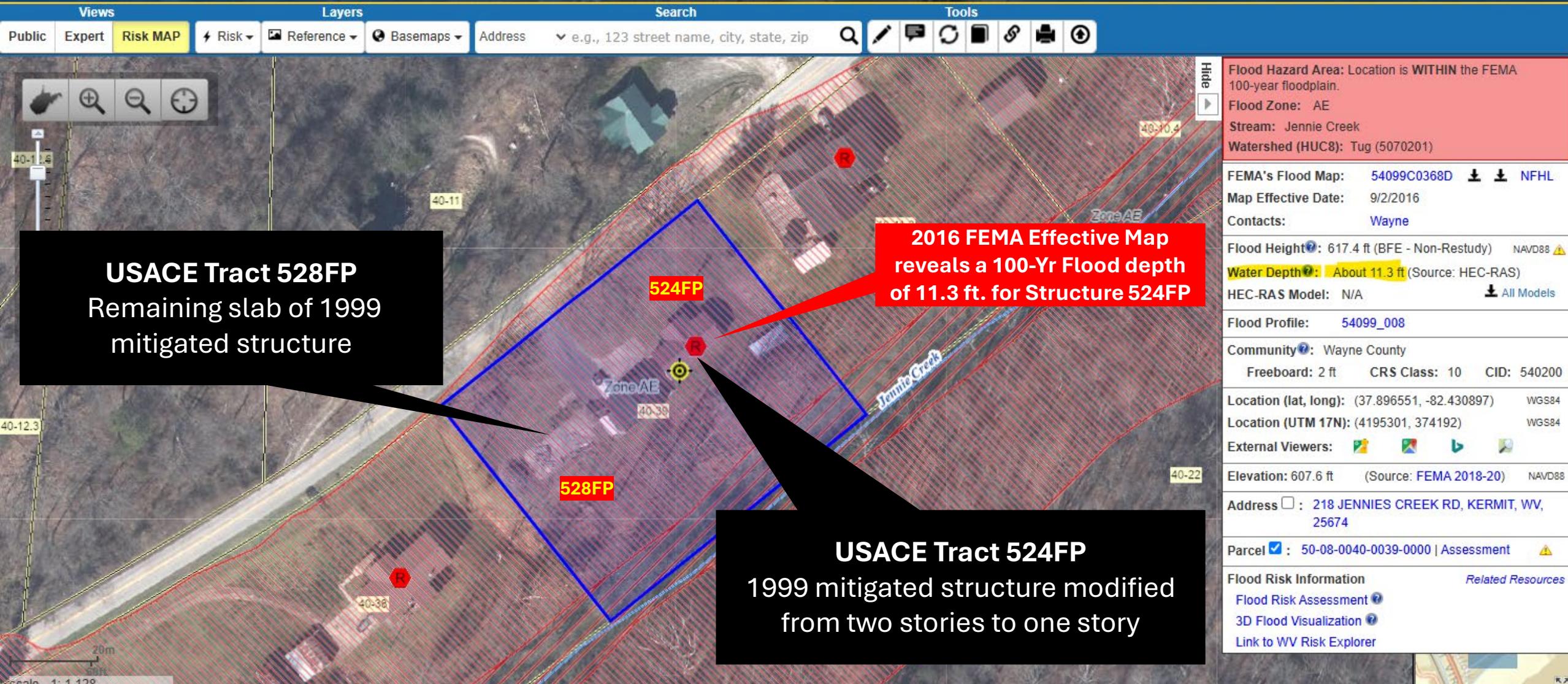
# USACE TRACTS 524FP & 528FP (Parcel 50-08-0040-0039-0000)

248 JENNIES CREEK RD, KERMIT, WV, 25674

[WV Flood Tool](#)



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# USACE TRACTS 524FP & 528FP (Parcel 50-08-0040-0039-0000)

## Building 524FP

[Assessment record](#) lists land use as an Auxiliary Structure. Is this land use designation correct?

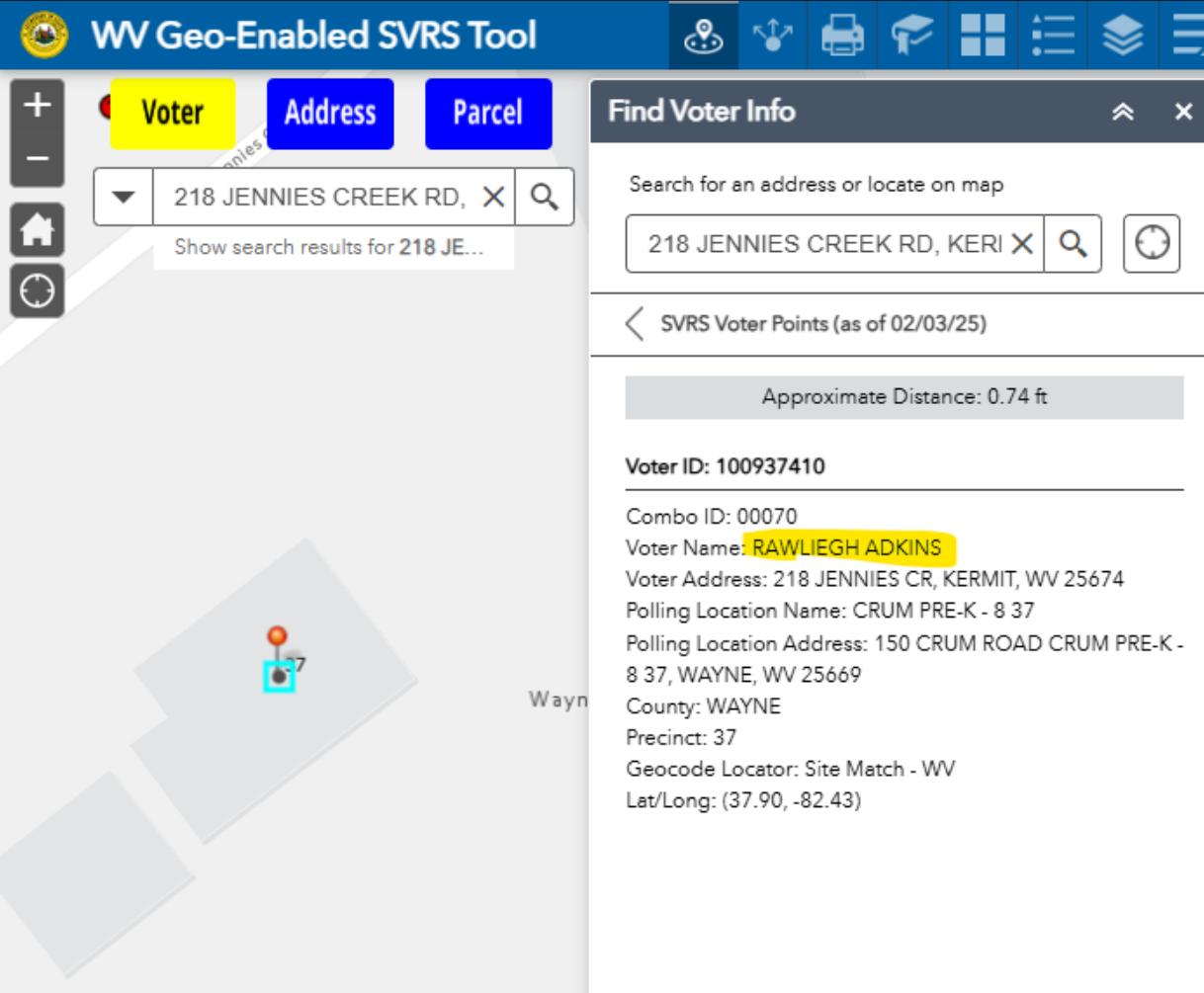
Map View Link		<a href="https://mapwv.gov/parcel/?pid=50-08-0040-0039-0000">https://mapwv.gov/parcel/?pid=50-08-0040-0039-0000</a>		
General Information				
Tax Class	Book / Page	Deeded Acres	Calculated Acres	Legal Description
2	709 / 307	1.103	1.10	1.103 FEE JENNIES CREEK (SURVEY) (MISC BLDGS)
			1.10	
Cost Value		Appraisal Value		
Dwelling Value	\$0	Land Appraisal	\$4,200	
Other Bldg/Yard Values	\$13,900	Building Appraisal	\$13,900	
Commercial Value	---	Total Appraisal	\$18,100	
Building Information				
Property Class	R - Residential			
Land Use	109 - Auxiliary Improvement			
Sum of Structure Areas				
# of Buildings (Cards)	1			

Other Building and Yard Improvements									
Bldg/ Card #	Line	Type	Year Built	CG	Units	Size	Area	Replace Cost	Adjusted Replace Cost
1	3	OFP (Dwelling Type) (Mod.) Mobile Home	1994	22	1	8x16	128	\$1,370	\$1,650
1	6	Frame or CB Detached Garage	2002	11	1	24x24	576	\$5,600	\$4,740
1	7	Canopy Canopy	1988	11	1	10x24	240	\$1,150	\$180
1	8	Frame or CB Detached Garage	1994	11	1	24x48	1,152	\$9,510	\$7,330
					4		2,096	\$17,630	\$13,900

# USACE TRACTS 524FP & 528FP (Parcel 50-08-0040-0039-0000)

## Building 524FP

County Clerk [voting records](#) show a **Rawleigh Adkins** registered to vote at this address, indicating this is a habitable building.



The screenshot shows the WV Geo-Enabled SVRS Tool interface. The 'Voter' tab is selected. The search bar contains the address '218 JENNIES CREEK RD, KERI'. The results show voter information for Rawleigh Adkins, including Voter ID: 100937410, Combo ID: 00070, Voter Name: RAWLIEGH ADKINS, Voter Address: 218 JENNIES CR, KERMIT, WV 25674, Polling Location Name: CRUM PRE-K - 8 37, Polling Location Address: 150 CRUM ROAD CRUM PRE-K - 8 37, WAYNE, WV 25669, County: WAYNE, Precinct: 37, Geocode Locator: Site Match - WV, and Lat/Long: (37.90, -82.43).

WV Geo-Enabled SVRS Tool

Voter Address Parcel

218 JENNIES CREEK RD, X

Find Voter Info

Search for an address or locate on map

218 JENNIES CREEK RD, KERI X

SVRS Voter Points (as of 02/03/25)

Approximate Distance: 0.74 ft

Voter ID: 100937410

Combo ID: 00070

Voter Name: RAWLIEGH ADKINS

Voter Address: 218 JENNIES CR, KERMIT, WV 25674

Polling Location Name: CRUM PRE-K - 8 37

Polling Location Address: 150 CRUM ROAD CRUM PRE-K - 8 37, WAYNE, WV 25669

County: WAYNE

Precinct: 37

Geocode Locator: Site Match - WV

Lat/Long: (37.90, -82.43)

# Wayne County Section 202 Non-Structural Project

**USACE TRACTS 524FP & 528FP are both located on Parcel 50-08-0040-0039-0000**

248 JENNIES CREEK RD, KERMIT, WV, 25674

## << Property Parcel Timeline >>

- USACE Guidelines for inspections of Section 202 Non-Structural Project were set forth in the Project Cooperation Agreement (PCA) signed April 1998 and the O&M manual dated March 2006 established for annual reporting.
  - USACE 2006 Nonstructural [O&M Manual](#) dated **March 2006**
  - [Project Cooperation Agreement](#) (PCA) dated **April 13, 1998**
  - Recorded [Floodproofing Agreement](#) dated **December 21, 1999**, Deed Book 31, Page 265. Elevation certificate attached to agreement.
  - Floodproofing work turned over to County Commission. [Letter](#) dated **July 12, 2000**.
  - Property transferred on **September 18, 2015**, between Curtis Marcum and James/Maxine Dingess but no Floodproofing Agreement attached to the [deed](#).