

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)

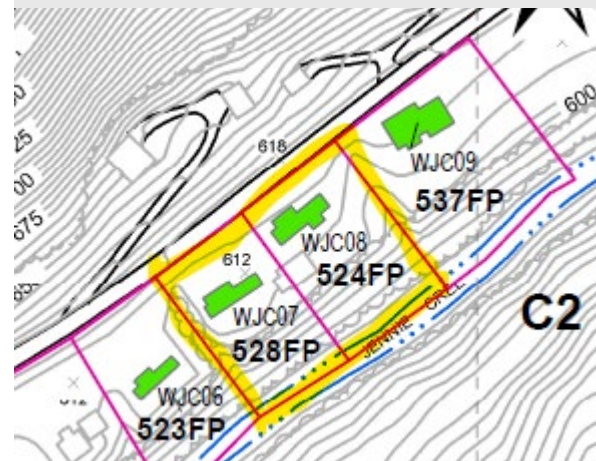
248 JENNIES CREEK RD, KERMIT, WV, 25674

[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.

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



[Building Pictures in O&M Manual \(Pg. 71\)](#)

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.”

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

WV Flood Tool

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

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 on 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, Structure elevated 10.2 ft. or 620.2
Complete Items C3a-i below according to the building diagram specified in Item C2. Stat the 100-year flood elevation of 6
the datum used for the BFE in Section B, convert the datum to that used for the BFE. Sh
calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate. Present the datum conversion.

Datum	USACOE	Conversion/Comments	BM ELEVATION - 611.279'
-------	--------	---------------------	-------------------------

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

- | | | |
|---|--------------|------------------|
| <input type="checkbox"/> a) Top of bottom floor (including basement or enclosure) | <u>620</u> | <u>22</u> ft.(m) |
| <input type="checkbox"/> b) Top of next higher floor | <u>N/A</u> | ft.(m) |
| <input type="checkbox"/> c) Bottom of lowest horizontal structural member (V zones only) | <u>N/A</u> | ft.(m) |
| <input type="checkbox"/> d) Attached garage (top of slab) | <u>N/A</u> | ft.(m) |
| <input type="checkbox"/> e) Lowest elevation of machinery and/or equipment servicing the building | <u>N/A</u> | ft.(m) |
| <input type="checkbox"/> f) Lowest adjacent grade (LAG) | <u>~ 610</u> | ft.(m) |
| <input type="checkbox"/> g) Highest adjacent grade (HAG) | <u>~ 612</u> | ft.(m) |

Signature, and Date

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

USACE Tract 524FP Building
Structure elevated 10.2 ft. or 620.2 ft., above
the 100-year flood elevation of 619 feet

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

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

Sub	Name	Description	Image	Date
GRANTOR	MARCUM CURTIS RAY	FLOODPROOFING AGREEMENT TRACT NO 524FP WAYNE COUNTYNONSTRUCTRUAL 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

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**.

http://www.waynecountywv.us/IDXSearch/Image.aspx?control=317868

Search

AdvancedOptionsView

From: 01/01/1900

Thru: 02/10/2025

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Index Search

Image Search

Vault Indexes

Clear

Remove Duplicates

Add to Results

Export PDF

Export Excel

Recording Calculator

Help

About

New Account

Login

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		DINGESS JAMES	1.103 AC JENNIES CREEK LINCOLN DISTRICT Additional...		3130490433

Page 1 of 1 (7 items)

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

Notes

Legal

Return

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)

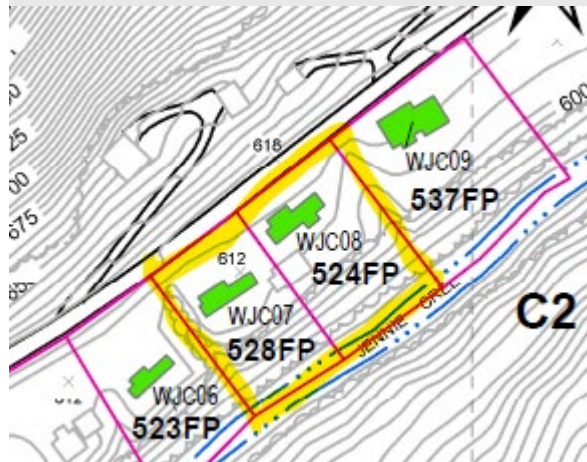


Structure Modified (2023 Google Street View)



Structure 524FP Modified to One Story

USACE 2006 Nonstructural
O&M Manual (Page 69)



Building Pictures in O&M Manual (Pg. 71)

1999 USACE Floodproofed Bldg. (Tract 528FP)



Structure Removed (2009 Google Street View)

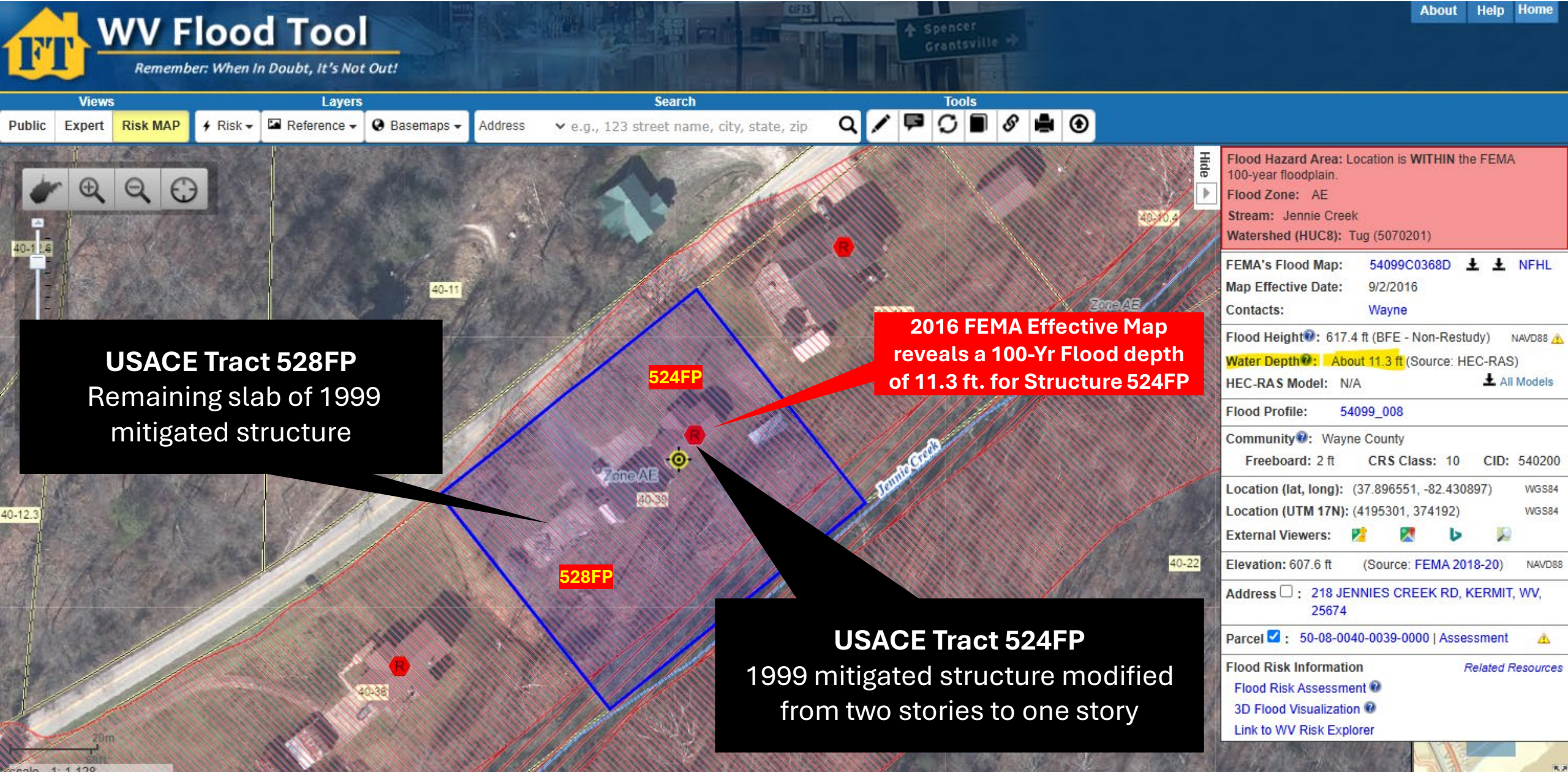


Structure 528FP Removed

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

248 JENNIES CREEK RD, KERMIT, WV, 25674

[WV Flood Tool](#)



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		https://mapwv.gov/parcel/?pid=50-08-0040-0039-0000		
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 Imp	

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 displays the 'WV Geo-Enabled SVRS Tool' interface. On the left, a map shows a location marked with a red pin and a blue square. The top navigation bar includes buttons for 'Voter' (highlighted in yellow), 'Address', and 'Parcel'. Below these, a search bar contains the text '218 JENNIES CREEK RD, X' and a magnifying glass icon. A dropdown menu shows 'Show search results for 218 JE...'. On the right, a 'Find Voter Info' panel is open, displaying the following information:

- 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 (highlighted in yellow)
- 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](#).