

P.O. BOX 389 Frisco, CO 80443

Date: 18 January 2012

Subject: Erroneous Flood Map Changes

To Whom It May Concern

In early January, 2012, a number of Lagoon Townhome Condominium Association Owners began contacting the Lagoon Home Owners Association Board about demands they were receiving from Lenders and Closers, regarding the requirement for Flood Insurance.

In 2008, the HOA completed the review of all buildings within the HOA and verified that there were only a small number of buildings within the Flood Plain as defined by the Town of Frisco, Summit County, and FEMA. That determination was made using physical maps of the flood plain surveys completed for the Town of Frisco, and on file with FEMA and the County. Flood insurance was purchased by the HOA for buildings at risk.

Apparently, in November 2011, additional buildings were identified in the FEMA data base as being in the flood plain and requiring flood insurance.

The HOA Board contacted the FEMA Region VIII Flood Specialist for Colorado, Mr. Michael Gease, to find out why the FEMA database was changed effective November 16th, 2011, without any additional survey's being completed.

Upon researching the issue, Mr. Gease confirmed that the physical maps previously used to determine the flood plain (and insurance requirements), were apparently "digitized", and that digital information went into use on the 16th of November. However, upon reviewing the digital data, Mr. Gease found that the maps were misaligned causing the digital information to be in error as to the location of the buildings versus the flood plain. Mr. Gease provided the HOA a copy of the satellite image showing the magnitude of the misalignment as it impacts the Lagoon HOA. That significant misalignment (40-50 feet east) makes it appear that two buildings (756 and 762) now have Ten Mile Creek running through the middle of them (untrue), with additional buildings now being in the lagoon itself.


Changes to the FEMA maps for individual residences are normally made with a 'Letter of Map Amendment (LOMA)', which is a formal process requiring Owner physical building surveys and elevation determinations. This is a complicated process to "clear a building" from the flood plain. Because of the nature of the misalignment, large areas and numerous buildings in Summit County are currently involved in this misalignment and FEMA is trying to determine how to correct the underlying map placement as an alternative to LOMAs.

Owners in the process of completing the sale of their units, or attempting to refinance their mortgages, may purchase flood insurance to complete those transactions, but that requires costly and time consuming building surveys (an unnecessary and non-reimbursable

expense). When FEMA makes the necessary data corrections, those policies may be refunded in full. However, if a lender imposes its own insurance on transactions, that insurance may be more expensive and come with terms that make it non-refundable. The FEMA Region VIII insurance specialist (Norm Ashford, 303-235-4912) can provide lenders and insurance companies more information on this issue.

Because of the extraordinary circumstances involved in the flood map misalignment, we ask lenders and insurers to provide current Lagoon HOA owners involved in refinancing or sales whatever assistance they can in putting the flood insurance requirements on-hold pending FEMA correction of the digital data problem as requested by the Lagoon HOA Board. The problem can be verified by Mr. Michael Gease, FEMA Region VIII Colorado State Flood Specialist at michael.gease@dhs.gov.

Thank you,


 William Tolbert
 President, Lagoon HOA



(Note misalignment of the "lagoon" above the "Town of Frisco" label, and the roadway at the center top of the screen).