STAFF REPORT Katz Plat Addition 074-MP-80

A request to amend a platted non-vehicular access line has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on August 5, 1980 for an 84 room hotel on 4.3 acres. The property is located on the west side of University Drive between Sunrise Boulevard and Marcano Boulevard, in the City of Plantation.

The applicant is requesting to amend the non-vehicular access line to delete the northernmost 60 feet of the plat to provide for the opening and new entrance to the property on University Drive. As a result of a redevelopment to the existing hotel located north on the Katz Plat, this will allow an entrance to the adjacent northern parcel. Additionally, the applicant has provided an owner's authorization for Katz Plat Addition for this delegation request.

The attached letter from the City of Plantation has no objection to this request. In addition, the attached letter from Florida Department of Transportation approved the access onto Katz Plat from this plat request.

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL** subject to the conditions contained in the attached memorandum from these Divisions, which recommends the applicant to meet the standards of the Broward County Development Code at the time of permit.

In addition, this approval is subject to the Board authorizing the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Finally, the applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

KDL





Public Works Department

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

MEMORANDUM

DATE: November 13, 2017

TO: Josie Sesodia, Director

Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager

Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner

Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval

(Amendment to Non-Vehicular Access Line)

Katz Addition Plat (074-MP-80)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along the frontage roadway for University Drive adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan , the recorded plat, and the Development Review Report approved by the County Commission. Our review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends APPROVAL of the proposed NVAL amendment subject to the following:

NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

- 1. The property owners of Katz Plat Addition (Folio Number 494133190010) must fully execute the Amendment to Nonvehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
- 2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
- 3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
 - a. Same legal description as the affected portion of the recorded plat.
 - b. Record owner(s) name(s).
 - c. Mortgage holder(s) name(s) If none, it should so state.
 - d. Date through which records were searched (within 30 days of submittal).
 - e. Original signature and/or seal.
- 4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

NON VEHICULAR ACCESS LINE REQUIREMENTS

- 5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non vehicular access line along University Drive adjacent to the plat except at the following openings:
 - a. A 60-foot opening centered 30 feet south of the north plat limits. This opening shall be labeled on Exhibit C: RIGHT TURNS ONLY, LEFT TURNS ONTO THE FRONTAGE ROAD ONLY. Said non-access line shall extend along both sides of the ingress/egress easement for 25 feet.

ACCESS EASEMENT REQUIREMENTS

6. A 60 foot wide x 65 foot deep access easement is required at the new 60-foot opening. The property owner must execute and deliver an easement that provides for cross access with the adjoining property. The property owner may use the standard "Declaration of

Restrictive Covenants for Private Paved Roadway" (CAF#463) to create this type of easement. Use of a non-standard access agreement will require review and approval by the County Attorney's office.

GENERAL REQUIREMENTS

- 7. The Traffic Engineering Division, the Highway Construction and Engineering Division, and the Office of Transportation recommendations for this Delegation Request may be modified for minor technical conflicts which are identified by details included in submitted construction plans.
- 8. The developer shall be responsible for the cost of relocating utilities, drainage facilities, traffic control poles, interconnect cables, and related equipment as necessary to complete required improvements.
- 9. Standard forms are available for downloading from the Highway Construction & Engineering Division's web page.
- 10. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of approval of this Delegation Request. Failure to complete this process within the 18 month time frame shall render the approval of this Delegation Request null and void.

dgm

OFFICE OF THE MAYOR Diane Veltri Bendekovic,

Mayor

PLANNING, ZONING & ECONOMIC DEVELOPMENT Danny A. Holmes, AICP, Director



CITY COUNCIL

Peter S. Tingom, President Lynn Stoner, President Pro Tem Jerry Fadgen Mark Hyatt Ron Jacobs

September 27, 2017

Ms. Evangeline G. Kalus, Senior Planner
Environmental Protection and Growth Management Department
Planning and Development Management Division
1st Floor, 1 University Drive
Plantation, FL 33324

Re: Katz Plat Addition (Plat Book 106, page 47)
Amendment to non-vehicular access line

Dear Ms. Kalus:

Please be advised that the City of Plantation has no objection to the proposed amendment to the non-vehicular access line of the above referenced plat to allow:

• On University Drive - a 50' right in and right/left out access opening centered approximately 35' south of the north plat limits.

This request is consistent with the site plan for Millcreek Plantation (PP14-0023) which was approved by the City Council on October 19, 2016.

Should you require additional information, please feel free to contact me at 954-797-2641.

Sincerely,

Gayle Easterling, AICP

Senior Planner

Enclosure



Florida Department of Transportation

RICK SCOTT GOVERNOR

3400 West Commercial Blvd. Fort Lauderdale, FL 33309

JIM BOXOLD SECRETARY

March 22, 2017

THIS PRE-APPLICATION LETTER IS EXTENDED UNTIL - March 22, 2018 THIS LETTER IS NOT A PERMIT APPROVAL

Mike Gai Sun-Tech Engineering Inc 1600 West Oakland Park Boulevard, Suite 200 Oakland Park, Florida 33311

Dear Mr. Gai:

RE: March 22, 2017- Pre-application Extension for Category D Driveway. Date of Pre-Application Meeting: February 18, 2016.

Broward County - City of Plantation, Urban SR 817 Access Class - 05 Posted Speed – 45 mph Sec. #86220: MP - 6.42 SIS - N Ref project: 432066.1 & 432066.3

Request:

Use existing joint use right-in/right-out and left-out driveway connection to the N University Drive Frontage Road. Driveway located approximately 390 feet south of NW 17th Court.

Access site through the intersection of SR 817/N University Drive and NW 17th Court.

Project Name & Address: Millcreek Apartments Plantation – SW corner of NW 17th court and University Drive Applicant: Mill Creek Residential – Contract Ourchase – Property Owner: MW Plantation LP

Max. Sq.ft: 250 D.U. and 10,000 SF Commercial Proposed LU: Residential and Commercial Parcel Size: 6.42 Acres

Plat Name: Katz Plat Plat Book: 106 Page: 47

WE APPROVE YOUR REQUEST

This decision is based on your presentation of the facts, site plan and survey - please see the conditions and comments below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

Conditions:

A minimum driveway length of 25 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided. If a guard gate is installed a minimum driveway length of 100 feet is required.

Recorded cross access agreement with the adjacent property to the south shall be provided at the time of Permit (joint use

driveway).

Comments:

• Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage). A Storm Water Pollution Prevention Plan must be submitted with the application for more than one acre of "disturbed area" as defined by the Florida Department of Environmental Protection (FDEP).

The applicant shall donate the right-of-way to the Department if right-of-way dedication is required to implement the improvements,
 All driveways not approved in this letter must be fully removed and the area restored.

Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Ine purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Note, this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department. For right-of-way dedication requirements go to: https://gis.dot.state.fl.us/OneStopPermitting; click on Statewide Permit News; Scroll down to District 4; Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact Geysa Sosa, P.E. at the District Permits Office with any questions regarding permits - Tel. # 954-777-4377, Fax # 954-677-7893 or e-mail: geysa.sosa@dot.state.fl.us.

Sincerely.

GS/nyh

Roger Lemieux [

Djemcy Limage Access Management - Traffic Operations

File: S:\Transportation Operations\Traffic Operations\Access Management\1. Pre-Apps and Variance\2016-02-18\4. 86220 MP 12.190 SR 817_Millcreek

Apartments Plantation\Mill Creek Residential - Contract to purchase - SR 817.doc

Board of County Commissioners, Broward County, Florida Environmental Protection and Growth Management Department Planning and Development Management Division



Application to Change or Waive Requirements of the Broward County Land Development Code

INST	m		~~	~	Nic
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This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

ROADWAY RELATED

- 1. Non-Vehicular Access Lines
- Roadway Improvements (such as turn lanes, busbays traffic signals, etc.)

Owner/Applicant <u>MW Plantation</u>, LP

- 3. Right-of-Way Dedications
- 4. Sidewalks and Paved Access
- 5. Design Criteria

PROJECT INFORMATION

Plat/SitePlan Number ___

Address 2455 E. Su Suite 1112 Owner's E-mail Address

NON-ROADWAY RELATED

- 6. Design Criteria
- 7. Waste Water Disposal/Source of Potable Water

Phone 954-591-6272

- 8. Fire Protection
- 9. Parks and/or School Dedications
- 10. impact/Concurrency Fee(s)

Sunrise BlvdCityFt Laud. State FL Zip Code 33304

- 11. Environmental Impact Report
- 12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate documentation attached. Please type this application or print legibly in **black ink**.

dev.motwani@cmail.com_Fax#_

ADDITION

Plat/Site Plan Name Katz Plat/Millcreek Plantation

074-MP-80

Agent Doumar Allsworth	Phone 954-762-3400			
Contact Person John D. Voigt, Esquire				
Address 1177 SE 3rd Ave. CityFt Laud.	_State_FL_Zip Code 33316			
Agent's E-mail Address jdvoigt@aol.com	Fax# <u>954-468-1469</u>			
PROPOSED CHANGES				
Use this space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).				
Staff Recommendation No(s).				
Land Development Code citation(s)				
Have you contacted anyone in County Government regarding this request? ☐ Yes ☑ No				
If yes, indicate name(s), department and date				
Narrative explaining proposed changes in detail <u>including the desired result and justification for the request</u> (attach additional sheet if necessary):				
The applicant is redeveloping an ex	isting site and is			
seeking to modify the recorded Nonvehicular Access				

Line to reduce the size of the opening in accordance with the new approved site plan for the development.

REQUIRED DOCUMENTATION: Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc.

All requests listed on this application must include the following documents:

- Letter from the applicable municipality, dated within six (6) months of this application, stating the city's position on this request.
- **Approved or recorded plat** (a survey and site plan <u>may be accepted</u> for single family and duplex applications. Please consult with Planning and Development Management Division staff).
- A check for the application fees (if applicable) made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

For ROADWAY RELATED items (1 through 5) listed under INSTRUCTIONS on Page 1 of this form, the following additional documents are also required:

- The proposed site plan (2 original) which shows, at a minimum, the on-site traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). The site plan must provide relevant dimensions and must be drawn to scale.
- Signed and sealed drawings (2 original) clearly illustrating the proposed change(s). The drawings must provide relevant dimensions and must be drawn to scale.
- A valid Pre-Application approval letter from the Florida Department of Transportation is required for all roadway and/or access related applications which abut a Trafficway that is functionally classified as a State Road. This requirement includes the creation or amendment of vehicular access and/or any improvements requiring permits from the State.

For NON-ROADWAY RELATED items (6 through 12) listed under INSTRUCTIONS on Page 1 of this form, please consult with Planning and Development Management staff to determine any additional required documentation.

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.					
Sworn and subscribed to before the this 9th day of August 2017					
Sworn and subscribed to before the this 4 day of (liquid 2017					
by					
☐ Has presented as identification.					
Signature of Notary Public Kathorne Rustation KATHERINE ROBERTSON					
Type or Print Name Katherine Robertson MY COMMISSION # FF 131121 EXPIRES: July 19, 2018 Bonded Thru Notary Public Undersiters					
FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY					
TimeApplication Date <u>08-09-17</u> Acceptance Date <u>08-18-17</u> Comments Due <u>09-01-17</u> C.C. Mtg. Date <u>10-10-17</u> Fee \$ <u>2,410</u> Report Due <u>09-22-17</u> Adjacent City					
Report Due 09-22-17 Adjacent City					
Other (Describe)					
Title of Request amend non-Vehicular access line					
Distribute to: ☑Éngineering ☑Traffic Engineering ☑Mass Transit ☐Other					
Comments					
- Comments					
Received by					
77 9 8					

OWNER/AGENT CERTIFICATION_ Florida

County of <u>County</u>

State of

OWNER'S AUTHORIZATION

Waramaug Plantation, LLC, as owner of the Katz Plat Addition Parcel (Plat Book 106 Page 47), hereby authorizes MW Plantation, LP, as owner of the Katz Plat Parcel (Plat Book 96 Page 3), through their attorneys Doumar, Allsworth, et al. to amend the Non-Vehicular Access Line on the Katz Plat Addition from the current Non-Vehicular Access Line depicted on attached Exhibit "A" to the proposed new Non-Vehicular Access Line depicted on attached Exhibit "B". Waramaug Plantation, LLC agrees to this amendment with the understanding that MW Plantation, LP will bear all expenses associated with said Non-Vehicular Access Line Amendment.

Dated this 9+h day of October	, 2017.			
	G PLANTATION, LLC AUG PLANTATION HOLDINGS, LLC			
By: Its: <u>Segiot</u>	Vice President			
Sworn to and subscribed before me this 1	(Signature of Notary Public - State of Florida) Samuel L++ (Print, type or stamp Commissioned Name of Notary Public)			
Personally Known OR Produced Identification				

Type of Identification Produced ____

LAW OFFICES DOUMAR, ALLSWORTH, LAYSTROM, VOIGT, WACHS, ADAIR & DISHOWITZ, LLP

1177 SOUTHEAST THIRD AVENUE

JOHN H. ADAIR, III, P.A. EMERSON ALLSWORTH, P.A. E. SCOTT ALLSWORTH, P.A. MARK E. ALLSWORTH, P.A. FORT LAUDERDALE, FLORIDA 33316-1109 BROWARD (954) 762-3400 TOLL FREE (866) 242-9488 TELEFAX (954) 525-3423 WEBSITE: SFLALAW.COM

BENJAMIN R. DISHOWITZ, P.A.
RAYMOND A. DOUMAR, P.A.
C. WILLIAM LAYSTROM, JR., P.A.
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.+

+ALSO ADMITTED IN PENNSYLVANIA
*FORMERLY ADMITTED IN MICHIGAN

OF COUNSEL JOHN W. PERLOFF, P.A. JODIE SIEGEL, P.A.

Re:

Katz Plat Addition AMENDMENT TO NVAL

Date:

August 10, 2017

LETTER OF INTENT

The applicant has obtained site plan approval from the City of Plantation to redevelop a former Holiday Inn hotel at 1711 N. University Drive, Plantation, Florida. The location is south of Sunrise Blvd. on the west side of University Drive. Immediately to the south of the former Holiday Inn is an existing Holiday Inn Express. The two properties formerly shared an entrance and parking features.

As part of the redevelopment, the entrance configuration on the border between the two properties adjacent to the access road west of University Drive has changed. As a result, applicant seeks to amend the Nonvehicular Access Line on the Katz Plat Addition to allow an entrance to the Katz Plat parcel through the Katz Plat Addition parcel. The Nonvehicular Access Line is 250' bordering the access road to University Drive. This would be modified to delete northernmost 60' to provide for the opening and the new entrance The remaining 190' would constitute the to the property. amended Nonvehicular Access Line. As a result of this interaction between the two properties, copies of both plats have been included in the application, although the Nonvehicular Access Line is actually on the Katz Plat Addition.

Sincerely,

TOHN D VOIGT

LEGAL DESCRIPTION

Existing Non-Vehicular Access Line

A Non-Vehicular Access Line lying over and across a portion of Tract "B", KATZ PLAT ADDITION, according to the Plat thereof as recorded in Plat Book 106, Page 47 of the Public Records of Broward County, Florida, said line being more particularly described as follows:

BEGIN at the southeast corner of said Tract "B", (said point being the beginning of said Non-Vehicular Access Line; thence along the East line of said Tract "B", North 00°58'52" West 250.00 feet to the northeast corner of said Tract "B" and the Point of Termination of said Non-Vehicular Access Easement.

Said lands situate, lying, and being in the City of Plantation, Broward County, Florida.

SURVEYOR'S NOTES

SHEET 1 OF 2

- Measurements shown hereon are expressed in feet and decimal parts thereof.
- Sun-Tech Engineering, Inc. reserves the right to utilize any and all information obtained in the preparation of this Survey, including Sketch of Description for any other purposes.
- This drawing may not be reproduced in whole or in part without the permission of Sun-Tech Engineering, Inc. Additions or deletions to the Sketch by other than the signing party is prohibited without the written consent of the signing party.
- This drawing is not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper.
- The certification contained herein is applicable to the preparation date or latest revision date, whichever applicable.
- Some features shown hereon may be drawn "out of scale" for the purposes of clarity. Written dimensions take precedence over scaled measurements.
- Sources of information used in the preparation of this Sketch and Description are as follows:
 - Plat of KATA PLAT ADDITION, recorded in Plat Book 106. Page 47 of the Public Records of Broward County, Florida.
- Sun-Tech Engineering, Inc. is authorized to provide Surveying and Mapping Services by the State of Florida Department of Business and Professional Regulation, License No. LB.7019, pursuant to the provisions of Chapter 472, Florida Statutes.
- The purpose of this sketch is to depict the elements of the description appearing hereon, and is provided as an aid in its depiction. This sketch is not a survey. Uses inconsistent with its intended purpose are prohibited.
- Bearings shown hereon are based on the record plat KATZ PLAT ADDITION, and are relative to the East line of Parcel "B", bearing South 00°58'52" East.
- Parcel "B" is not shown in its entirety for the purposes of this Sketch of Description.

SURVEYOR'S CERTIFICATION

DATE REVISION BY CHK.

Engineering, Inc. Engineers - Planners - Surveyors

4577 Nob Hill Road, Suite 102 Sunrise, FL 33351 www.suntecheng.com

Certificate of Auth, #7097/LB 7019 Phone (954) 777-3123 Fax (954) 777-3114

I HEREBY CERTIFY that the herein captioned Sketch of Description is true and correct to the best of my knowledge and belief, as prepared under my direction, supervision and responsible charge.

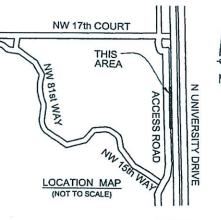
Sun-Tech Engineering, Inc. Date of Preparation: June 28, 2017

Donald L. Cooper, P.S.M.

Florida Registration No. 6269

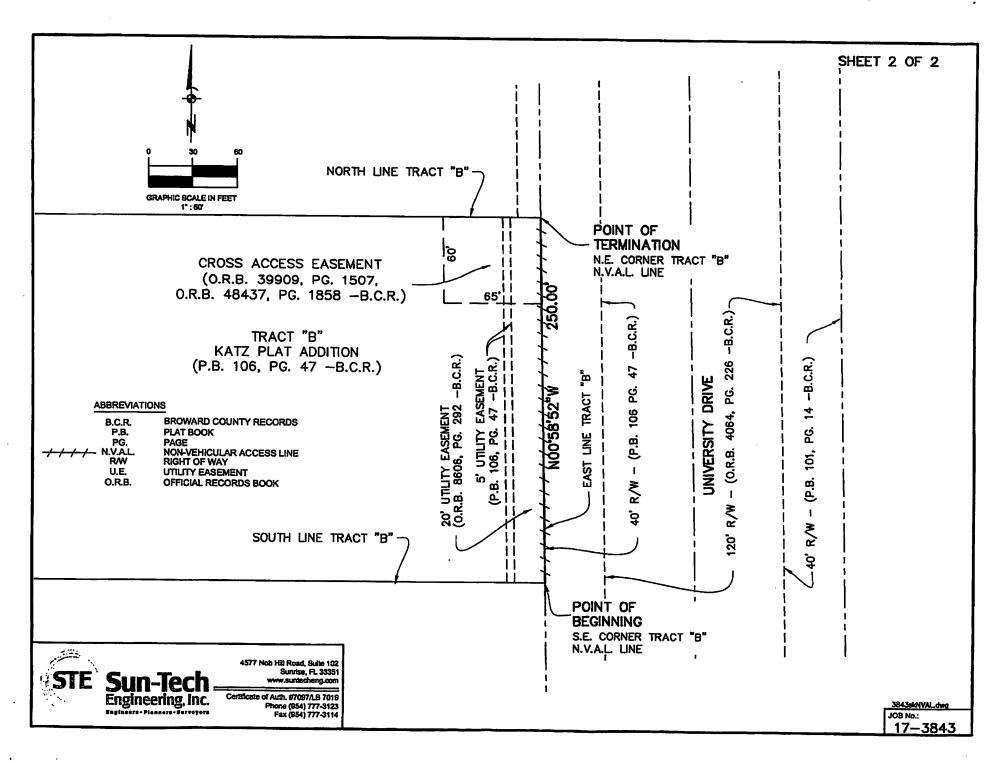
Professional Surveyor and Mapper

6.28.2017



JOB No.:

17 - 3843



LEGAL DESCRIPTION

Amended Non-Vehicular Access Line

A Non-Vehicular Access Line lying over and across a portion of Tract "B", KATZ PLAT ADDITION, according to the Plat thereof as recorded in Plat Book 106, Page 47 of the Public Records of Broward County, Florida, said line being more particularly described as follows:

BEGIN at the southeast corner of said Tract "B", (said point being the beginning of said Non-Vehicular Access Line; thence along the East line of said Tract "B", North 00°58'52" West 190.00 feet to the Point of Termination of said Non-Vehicular Access Line and the POINT OF BEGINNING of a 60 foot Access Opening; thence along said East line, continue North 00°58'52" West, 60.00 feet to the northeast corner of said Tract "B" and the Point of Termination of said Access Opening.

Said lands situate, lying, and being in the City of Plantation, Broward County, Florida.

SURVEYOR'S NOTES

SHEET 1 OF 2

- Measurements shown hereon are expressed in feet and decimal parts thereof.
- Sun-Tech Engineering, Inc. reserves the right to utilize any and all information obtained in the preparation of this Survey, including Sketch of Description for any other purposes.
- This drawing may not be reproduced in whole or in part without the permission of Sun-Tech Engineering, Inc. Additions or deletions to the Sketch by other than the signing party is prohibited without the written consent of the signing party.
- This drawing is not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper.
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- Some features shown hereon may be drawn "out of scale" for the purposes of clarity. Written dimensions take precedence over scaled measurements.
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- Parcel "B" is not shown in its entirety for the purposes of this Sketch of Description.

SURVEYOR'S CERTIFICATION

DATE REVISION BY CHIK.

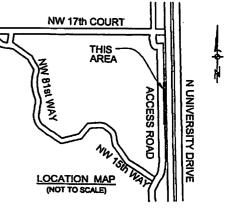
STE Sun-Tech Engineering, Inc. 4577 Nob Hill Road, Suite 102 Sunfae, FL 33351 www.suntecheng.com

Certificate of Auth. #7097/LB 7019 Phone (954) 777-3123 Fax (954) 777-3114 I HEREBY CERTIFY that the herein captioned Sketch of Description is true and correct to the best of my knowledge and belief, as prepared under my direction, supervision and responsible charge.

Sun-Tech Engineering, Inc.
Date of Preparation: June 28, 2017

Donald L. Cooper, P.S.M. Dat

Professional Surveyor and Mapper Florida Registration No. 6269



JOB No.: 17-3843

