NORTH MIAMI
FLORIDA
776 N.E. 125 Street, North Miami, Florida 33161

Council Report

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.I.C.P., Director of Community Planning & Development

Date: May 8th, 2012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND CLOSURE OF A FIFTY (50) FEET WIDE RIGHT-OF-WAY, LOCATED ADJACENT TO THE PROPERTIES NUMBERED 640 THROUGH 685 AT NW 133RD STREET, SITUATED BETWEEN AN ALLEYWAY TO THE WEST AND INTERSTATE I-95 TO THE EAST; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the City Council approves the proposed Resolution, with conditions, for the vacation, abandonment, and sale of a 50 feet right of way known as NW 133 St, for the segment lying between the properties numbered 640 through 685 NW 133 Street.

PLANNING COMMISSION RECOMMENDATION

At its meeting on May 1, 2012 the Planning Commission reviewed and discussed the proposed resolution for the subject right of way abandonment and agreed that it allows for future redevelopment of the surrounding area and removal of the unsightly slum and blight that has plagued the neighborhood. The Commission also agreed that the abandonment request provides a fiscal benefit to the City since the applicant has agreed to compensate the City for the appraised value of the proposed right of way segment (appraised at $95,000). As such, the Commission rendered a unanimous vote of 6-0 recommending approval of the proposed resolution along with the conditions outlined in this report.

BACKGROUND INFORMATION

Long time North Miami residents Gerard & Nel Opstal who own five (5) contiguous lots located at: 640, 650, 660, 675, and 685 NW 133rd Street are requesting the vacation, abandonment and closure of a portion of NW 133 Street for the segment lying between all five aforementioned lots (see attached survey). NW 133 Street is a 50 feet wide collector street that provides public access to all the five lots and eventually dead ends at the I-95 at the eastern end of the roadway. The area proposed for abandonment is over 190 linear feet in length, consists of approximately 9,500 sq feet (or .22 acres) in size and is appraised at $95,000 in value.

PURPOSE & ANALYSIS

Section 3-903 of the City's Land Development Regulations requires that all requests for street abandonment meet the following minimum criteria:

Provides some benefit to the public health, safety, welfare or convenience, but the overall benefit anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the non fee property interest, in that:

a. The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is vacated or abandoned;

Staff is of the opinion that although the right of way currently allows public access, if approved, the abandonment will not have a major impact on local traffic since the subject area involves a segment of the roadway which solely serves the 5 abutting lots (all owned by Mr and Mrs Opsal). Furthermore staff believes the overall benefit anticipated to result from the proposed right of way abandonment far outweighs the benefit derived from the current use.

If approved, the current request would greatly improve the deplorable conditions within the subject area and in turn increase the health and safety of North Miami residents. The proposed roadway abandonment will also allow the property owners to consolidate the five (5) lots and redevelop the site into a viable Commercial business that will generate new employment and enhance the aesthetics of the area.

b. The vacation or abandonment will not compromise the delivery of emergency services;

The City's Police staff reviewed the proposed site plan and does not believe the current request would compromise emergency services.

c. The vacation or abandonment will not compromise pedestrian or vehicular safety;

The proposed abandonment segment is at a dead end section of the street and will not compromise pedestrian or vehicular safety.

d. The vacation or abandonment will not interfere with solid waste removal services;
Public works staff has confirmed that the proposed request will not interfere with solid waste removal services.

e. The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan or capital improvement program of the city;

The City's Land Use Map serves as a pictorial guide for desired development throughout the City. To that end, it should be noted that although the 5 adjacent lots to the subject right of way currently contain single family residential units, the underlying land use designation is Commercial and the zoning is C-1. As such, the current use is non conforming and inconsistent with the City's Comprehensive Plan, which designates the area abutting the subject right of way for Commercial use. The property owners would like to abandon the subject right of way segment in order to consolidate the 5 lots and instead utilize the site for Commercial development as its current Commercial designation and C-1 zoning permits. The current request is consistent with and implements the vision of the City's Comprehensive Plan.

f. The vacation or abandonment will not interfere with any planning effort of the city that is underway at the time of the application but is not yet completed; and

There are no planning efforts anticipated for the proposed roadway segment.

g. The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the city's long-term fiscal position.

The neighborhood surrounding the proposed abandonment segment is plagued with unsightly slump and blight. The owners, who are both elderly, have raised concerns about numerous

incidents of crime and illicit activities as well as difficulties with squatters occupying their rental units. In fact North Miami police reports indicate that police officers have responded to over one hundred and thirty (130) 911 incidents calls from all 5 residences in the last decade. Many of those incident calls have lead to arrests. If approved, the City will benefit from the removal of the slum and blight and benefit from the tax dollars obtained from the commercial redevelopment of the site.

h. The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state and federal authorities.

The roadway abandonment request is subject to review and approval by the City.

i. The proposed vacation or abandonment will promote development or redevelopment that will maintain or enhance the character of the surrounding area.

The City is committed to reducing slum and blight and promoting redevelopment in stagnant commercial corridors like NW 133 Street that are poised for redevelopment. In fact Policy 1.5.8 of the City's requires that "The City shall continue to identify areas of slum and blight in the community, and rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified." Staff believes the proposed abandonment further implements the Comprehensive Plan vision and brings much needed economic development to the area.

CONCLUSION

As such, staff believes the current request meets the requirements of Section 3-903 of the City's Land Development Regulations and recommends approval of the proposed resolution subject to the following conditions:

1. That the applicant agrees to work with City Manager to finalize negotiations for the sale of the subject Right of Way not to be less than 90% of the appraised value consistent with the City's Charter.

2. That the City effectuates the conveyance by virtue of a Deed.

3. That the property owner executes a covenant and unity of title to consolidate the 5 lots in addition to the abandoned right of way segment. Said instrument meeting the

approval of the Community Planning and Development Department and the office of the City Attorney. Both instruments to be recorded by the applicant in the public records of Miami Dade County with copies furnished to the Community Planning and Development Department within forty five (45) days of Council approval.

4. TECO Peoples Gas, AT&T and FPL have all indicated that there are no existing utilities located in the portion of the right of way proposed for abandonment. As such, no easements have been requested for the subject segment.

5. The applicant will furnish an easement to the City's Public Works Department should it be determined that utilities are located in the portion of right of way proposed for abandonment.

TWS: mc

Attachments:

1. Proposed Resolution
2. Exhibit A – Legal sketch
3. Letter of Intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT AND CLOSURE OF A FIFTY (50) FEET WIDE RIGHT-OF-WAY, LOCATED ADJACENT TO THE PROPERTIES NUMBERED 640 THROUGH 685 AT NW 133RD STREET, SITUATED BETWEEN AN ALLEYWAY TO THE WEST AND INTERSTATE I-95 TO THE EAST; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, Chapter 29, Article 3, Division 9 of the City of North Miami ("City") Code of Ordinances ("LDRs"), provides a uniform procedure for the vacation and abandonment of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

WHEREAS, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment that will maintain or enhance the character of the surrounding area while having a positive fiscal impact on the City; and

WHEREAS, the property owner of the adjacent five (5) lots located at: 640, 650, 660, 675, and 685 NW 133rd Street, is requesting the vacation, abandonment, and closure of a fifty (50) feet wide right-of-way, situated between an alleyway to the west and interstate I-95 to the east; and

WHEREAS, the City Administration has reviewed the impact of the vacation and abandonment of the alleyway and found that in its current use, the subject portion does not provide a benefit to the public health, safety, welfare or convenience, in that it is not used by the City for any intended public purpose; and

WHEREAS, neither the Comprehensive Plan nor the Capital Improvement Element anticipate the future use of the subject right-of-way; and

WHEREAS, the Planning Commission after a duly noticed public hearing held on May

1, 2012, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan; meeting the established standards of Section 3-903A of the LDRs; and recommended approval of the application to the City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment and closure of the alleyway to be in the best interests of the City and accordingly, accept the Planning Commission's recommendation for approval.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Vacation, Abandonment, Closure and Sale of Right-Of-Way. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment and closure of a fifty (50) feet wide right-of-way, located adjacent to the properties numbered 640 through 685 at NW 133rd Street, situated between an alleyway to the west and interstate I-95 to the east, as described in Exhibit "A".

Section 2. Authority of City Manager to Negotiate Sale of Right-Of-Way. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City manager to negotiate the sale of the subject right-of-way to adjacent property owner and to take all necessary steps to effectuate same.

Section 3 Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of May, 2012.

_____
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

PC 05-12
Attachment 3

City of North Miami
12400 NE 8th Avenue
North Miami, FL 33161

Road Abandonment - Letter of Intent

RE:
640 NW 133 street
650 NW 133 street
660 NW 133 street
675 NW 133 street
685 NW 133 street

Per our project narrative, the purpose and intent of our request is to develop the aforementioned properties into a self contained conditioned mini storage facility. We are requesting the road between the properties be abandoned so we may incorporate all five parcels into one project footprint. The road, known as 133 street from the outer edge of 660 and 685 heading east can be abandoned as it serves no other purpose than the five parcels referenced within this application, therefore we see no impact on others. We hope this meets your approval as we feel this project will greatly improve the community.

Maurice Opstal
President
Stellar Development, Inc.

9021 Town Center Parkway, Lakewood Ranch, FL 34202
Phone: 941-907-8788 Fax: 941-907-8789

FEBR 10 2012

Project Narrative

The development review application herein is a request for a "Road Abandonment."

Currently there are (5) parcels located on NW 133 street east of NW 7th Avenue , which are 675& 685 NW 133 street to the North and 640, 650 & 660 NW 133 street to the South. The road that serves these parcels dead ends into I-95 south bound expressway. We currently own all five parcels that the road provides access and we are requesting an abandonment of this road so that a future use project may be considered and constructed. The current zoning for all these properties is C-1.

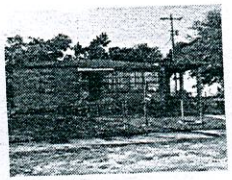
The current status of the street is in very poor condition. The houses have been occupied by vagrants and non-paying tenants for years. We believe that the houses are used for drugs and prostitution. By the city abandoning the road, it is our intent to construct a new commercial facility encompassing all five parcels to improve and provide for the community.

FEBR 10 2012

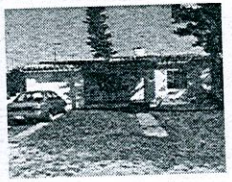
SKETCH OF BOUNDARY SURVEY OF: 640-685 N.W. 133 STRE

LEGEND:

M.D.C.R.	MIAMI-DADE COUNTY RECORDS
L.B.	LICENSED BUSINESS
P.B.	PLAT BOOK
PGS.	PAGES
ID	IDENTIFICATION
A/C	AIR CONDITIONER UNIT ON CONCRETE SLAB
-GHN-	OVERHEAD WIRES
(C)	CALCULATED
(DFT)	BEARING AND DISTANCE DERIVED FROM A FIELD TRAVERSE. PROPERTY CORNER MONUMENTS, BASED ON FIELD MEASUREMENTS FROM A RANDOM TRAVERSE.
(P)	DENOTES BEARING AND DISTANCE BASED ON PLATS OF RECORD
(R)	DENOTES BEARING AND/OR DISTANCE BASED ON RECORD INFORMATION.
℄	CENTERLINE
	BREAK IN-SCALE
	GATE VALVE
	WATER METER
	WOOD POWER POLE
	SANITARY SEWER MANHOLE
	MAILBOX
	LIMITED ACCESS RIGHT OF WAY LINE



VIEW 1
NOT TO SCALE



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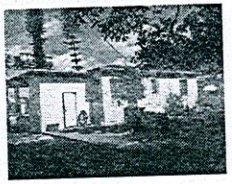

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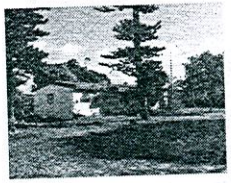

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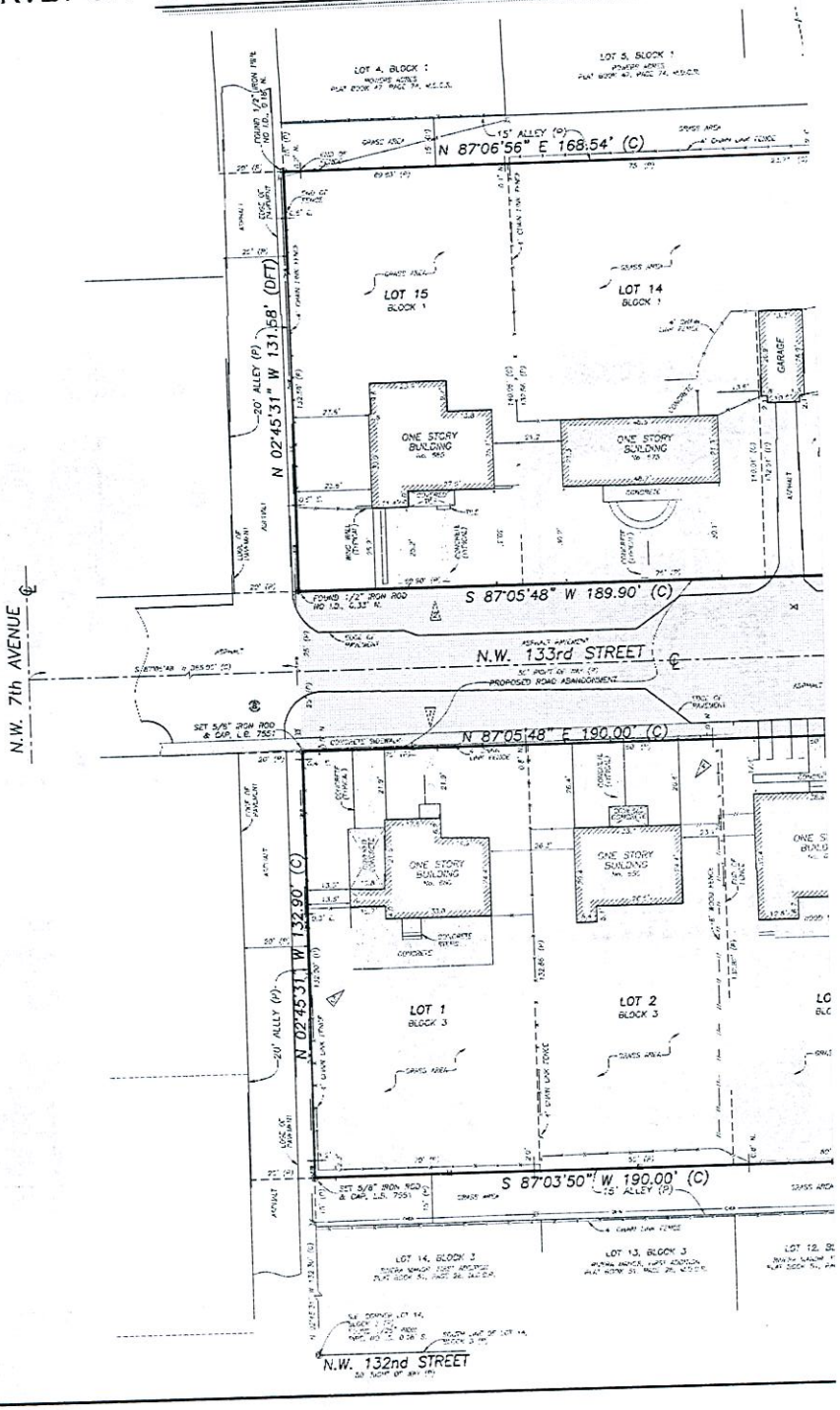

SKETCH OF BOUNDARY SURVEY OF: 640-685 N.W. 133 STREET, NORTH MIAMI, FL.

LEGEND:

M.D.C.R. . . . . MIAMI-DADE COUNTY RECORDS
L.B. . . . . LICENSED BUSINESS
P.B. . . . . PLAT BOOK
PGS. . . . . PAGES
ID . . . . . IDENTIFICATION
A/C . . . . . AIR CONDITIONER UNIT ON CONCRETE SLAB
-OHU- . . . . OVERHEAD WIRES
(C) . . . . . CALCULATED
(DFT) . . . . BEARING AND DISTANCE DERIVED FROM A FIELD TRAVERSE. PROPERTY CORNER MONUMENTS, BASED ON FIELD MEASUREMENTS FROM A RANDOM TRAVERSE.
(M) . . . . . DENOTES BEARING AND DISTANCE BASED ON PLATS OF RECORD.
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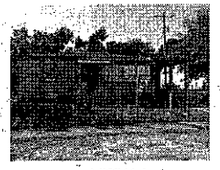
℄ . . . . . CENTERLINE
-\/- . . . . . BROKEN W-BEAM
M . . . . . GATE VALVE
⊠ . . . . . WATER METER
⊗ . . . . . WOOD POWER POLE
(S) . . . . . SANITARY SEWER MANHOLE
MB . . . . . MAILBOX
+++ . . . . . LIMITED ACCESS RIGHT OF WAY LINE



VIEW 1
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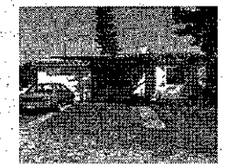

VIEW 2
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VIEW 3
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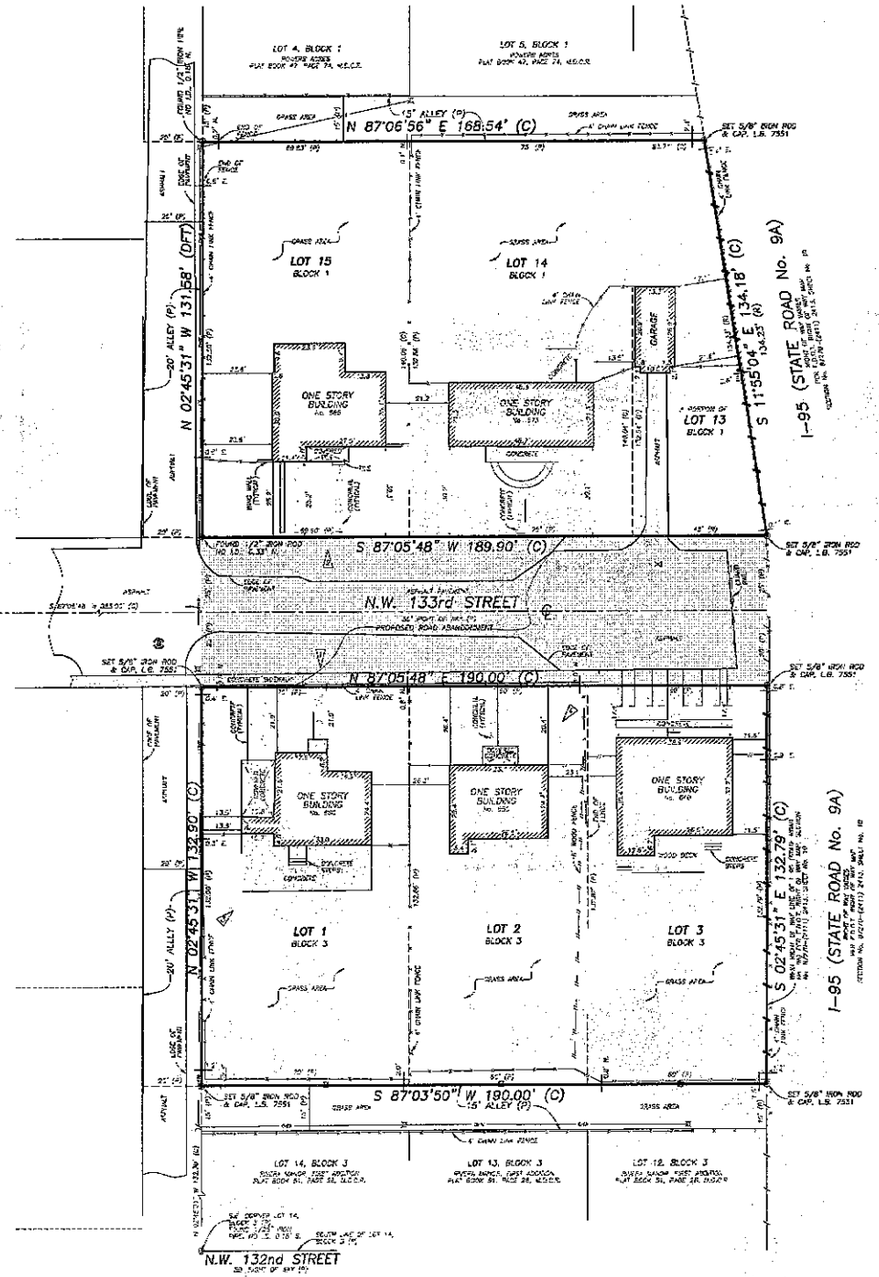

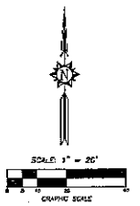

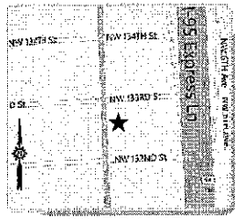

LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

LOTS 1, 2 AND 3, BLOCK 3, RIVIERA MANOR FIRST ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 51, PAGE 28 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 13, 14, AND 15, LESS THE EASTERLY PORTION LYING IN I-95 (SR 9) NORTH-SOUTH EXPRESSWAY, BLOCK 1, POWERS ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 74, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SURVEY NOTES:

1. THIS SURVEY REPRESENTS A BOUNDARY SURVEY AS DEFINED BY FLORIDA TECHNICAL STANDARDS FOR SURVEYING AND MAPPING, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES. THIS SURVEY IS NOT VALID UNLESS BOTH THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

2. THE BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N02°45'31" W, ALONG THE WEST LINE OF LOT 1, BLOCK 3, RIVIERA MANOR, FIRST ADDITION PLAT BOOK 51, PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATES SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983/90

3. THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE X, AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 12086C 0159 L, COMMUNITY NUMBER 120650, CITY OF NORTH MIAMI, MIAMI-DADE COUNTY, FLORIDA, MAP REVISED DATE: SEPTEMBER 11, 2009.

4. THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.

5. THE INFORMATION DEPICTED ON THIS SURVEY REPRESENTS THE RESULTS OF A FIELD SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS A REPRESENTATION OF THE GENERAL CONDITIONS EXISTING AT THAT TIME

6. THE SURVEYOR DID NOT INSPECT THE PROPERTY SHOWN HEREON FOR ENVIRONMENTAL HAZARDS

7. OWNERSHIP OF WALLS OR FENCES WAS NOT DETERMINED.

8. THE INFORMATION CONTAINED IN THIS DOCUMENT WAS PREPARED BY EXACTA COMMERCIAL SURVEYORS, INC. EXACTA HAS TAKEN ALL REASONABLE STEPS TO ENSURE THE ACCURACY OF THIS DOCUMENT, AS CANNOT GUARANTEE THAT ALTERATIONS AND/OR MODIFICATIONS WILL NOT BE MADE BY OTHERS AFTER IT LEAVES OUR POSSESSION. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY (WHICH BEARS THE RAISED SURVEYOR'S CERTIFICATION SEAL IF APPLICABLE) TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED HEREON AND TO FURTHER ENSURE THAT ALTERATIONS AND/OR MODIFICATIONS HAVE NOT BEEN MADE. EXACTA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY OF THE INFORMATION CONTAINED IN THIS OR ANY DOCUMENT TRANSMITTED OR RELEASED BY COMPUTER OR OTHER ELECTRONIC MEANS. CONTACT EXACTA DIRECTLY FOR VERIFICATION OF ACCURACY.

9. BUILDING DIMENSIONS WERE MEASURED AT GROUND LEVEL AND ARE OVERALL. ARCHITECTURAL DETAILS MAY NOT BE SHOWN.

10. SUBSURFACE UTILITIES, FOUNDATIONS AND ENCROACHMENTS WERE NOT LOCATED AND ARE NOT SHOWN HEREON. THE SITE COULD HAVE UNDERGROUND INSTALLATIONS THAT ARE NOT SHOWN HEREON. BEFORE DESIGN, CONSTRUCTION OR EXCAVATION, CONTACT SUNSHINE STATE ONE CALL OF FLORIDA, FL-811-622-4770 AND THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION OF UTILITIES. THIS SURVEY IS LIMITED TO ABOVEGROUND FEATURES ONLY.

11. THE PROPERTY SHOWN HEREON CONTAINS 1.13 ACRES (48,967 SQUARE FEET), MORE OR LESS.

12. TREES, HEDGES, ORNAMENTAL PLANTS, IRRIGATION LINES, WELLS AND SPRINKLERS HEADS (IF ANY), NOT LOCATED OR SHOWN HEREON.

13. EXACTA COMMERCIAL SURVEYORS, INC., DID NOT SEARCH THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS AFFECTING THE PROPERTY SHOWN SURVEYED. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

14. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

THIS SURVEY IS CERTIFIED TO:
STELLAR DEVELOPMENT.

CERTIFICATE:

THIS IS TO CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JAMES RC LA SORDA
PROFESSIONAL SURVEYOR AND MAPPER NO. 6080
STATE OF FLORIDA
EXACTA COMMERCIAL SURVEYORS, INC. L.B. 7551

EXACTA
COMMERCIAL LAND SURVEYORS
L.B. 7551
3450 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414
TELEPHONE NO. 561-316-6766 FAX NO. 561-316-6770

SEAL
NOT VALID UNLESS SEALED HERE WITH AN EMBOSSED SURVEYOR'S SEAL

SKETCH OF BOUNDARY SURVEY
A PORTION OF LOT 13 & ALL OF LOTS 14 & 15
POWERS ACRES
PLAT BOOK 47, PAGE 74, M.D.C.R.
LESS THE EASTERLY PORTION LYING IN I-95 (SR 9)
RIVIERA MANOR, FIRST ADDITION
PLAT BOOK 51, PAGE 28, M.D.C.R.
640-685 N.W. 133 STREET, NORTH MIAMI, FL. 33168

CLIENT: STELLAR DEVELOPMENT
DATE: 3/19/12
DRAWN BY: J.E.C.
CHECK BY: J.D.L.R.
FIELD BOOK: 1201012
REVISIONS
JOB NO. FL1202-0673
SHEET NO. 01 OF 01