MEMORANDUM

Agenda Item No. 5(D)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 3, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution granting petition to close SW 90 Street, from theoretical SW 174 Avenue to the new alignment of SW 172 Avenue and from the new alignment of SW 172 Avenue east for 1,563.30 feet, except the portion dedicated by the plat of "Kendall Commons Residential" (Road Closing Petition No. P-902)

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Road Closing Petition P-902
Section: 31-54-39
Portions of SW 90 Street, from Theoretical SW 174 Avenue East for 1982.00 feet: (Old) SW 172 Avenue, from SW 90 Street to North Kendall Drive; and SW 84 Street, from North Kendall Drive West for 549.36 feet
Commission District: 11

Recommendation
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Regulatory and Economic Resources, Public Works and Waste Management (PWWM), Water and Sewer, and Fire Rescue have no objection to these rights-of-way being closed.

Scope
This road closing is located within Commissioner Juan C. Zapata's District 11.

Fiscal Impact/Funding Source
If these rights-of-way are closed and vacated, it will not affect the tax roll, since said rights-of-way are currently included in the petitioner's property for tax purposes. The fee for this road closing is $800.

Track Record/Monitor
PWWM is the entity overseeing this project and the person responsible for monitoring is Mr. Leandro Oña, P.E., Chief, Roadway Engineering and Right-of-Way Division.

Background
The petitioner, Kendall Investors, LLC, wishes to close SW 90 Street, from theoretical SW 174 Avenue to the new alignment of SW 172 Avenue and from the new alignment of SW 172 Avenue East for 1,563.30 feet, except the portion dedicated by "KENDALL COMMONS RESIDENTIAL", recorded in Plat Book 169, Page 47; (Old) SW 172 Avenue, from SW 90 Street to North Kendall Drive; and SW 84 Street, from North Kendall Drive West for 549.36 feet, in order to incorporate the area into their property to be developed. The rights-of-way requested to be closed have never been improved nor maintained by Miami-Dade County.

The subject rights-of-way were dedicated in 1910, by "SUBDIVISION OF LANDS OF MIAMI EVERGLADE LAND CO. LTD.", recorded in Plat Book 2, Page 3, of the Public Records of Miami-Dade County, Florida. The areas surrounding the subject rights-of-way are zoned BU-1A (Business District Limited).

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 3, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(D)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(D)
9-3-14

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW 90 STREET, FROM THEORETICAL SW 174 AVENUE TO THE NEW ALIGNMENT OF SW 172 AVENUE AND FROM THE NEW ALIGNMENT OF SW 172 AVENUE EAST FOR 1,563.30 FEET, EXCEPT THE PORTION DEDICATED BY THE PLAT OF "KENDALL COMMONS RESIDENTIAL", RECORDED IN PLAT BOOK 169, PAGE 47; (OLD) SW 172 AVENUE, FROM SW 90 STREET TO NORTH KENDALL DRIVE; AND SW 84 STREET, FROM NORTH KENDALL DRIVE WEST FOR 549.36 FEET (ROAD CLOSING PETITION NO. P-902)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the closing of the aforementioned road is contingent on the Property being developed in consistency with the Declaration of Restrictions recorded in Official Record Book 26405, Page 3397, of the Public Records of Miami-Dade County, Florida; (2) that the avenue, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. AB

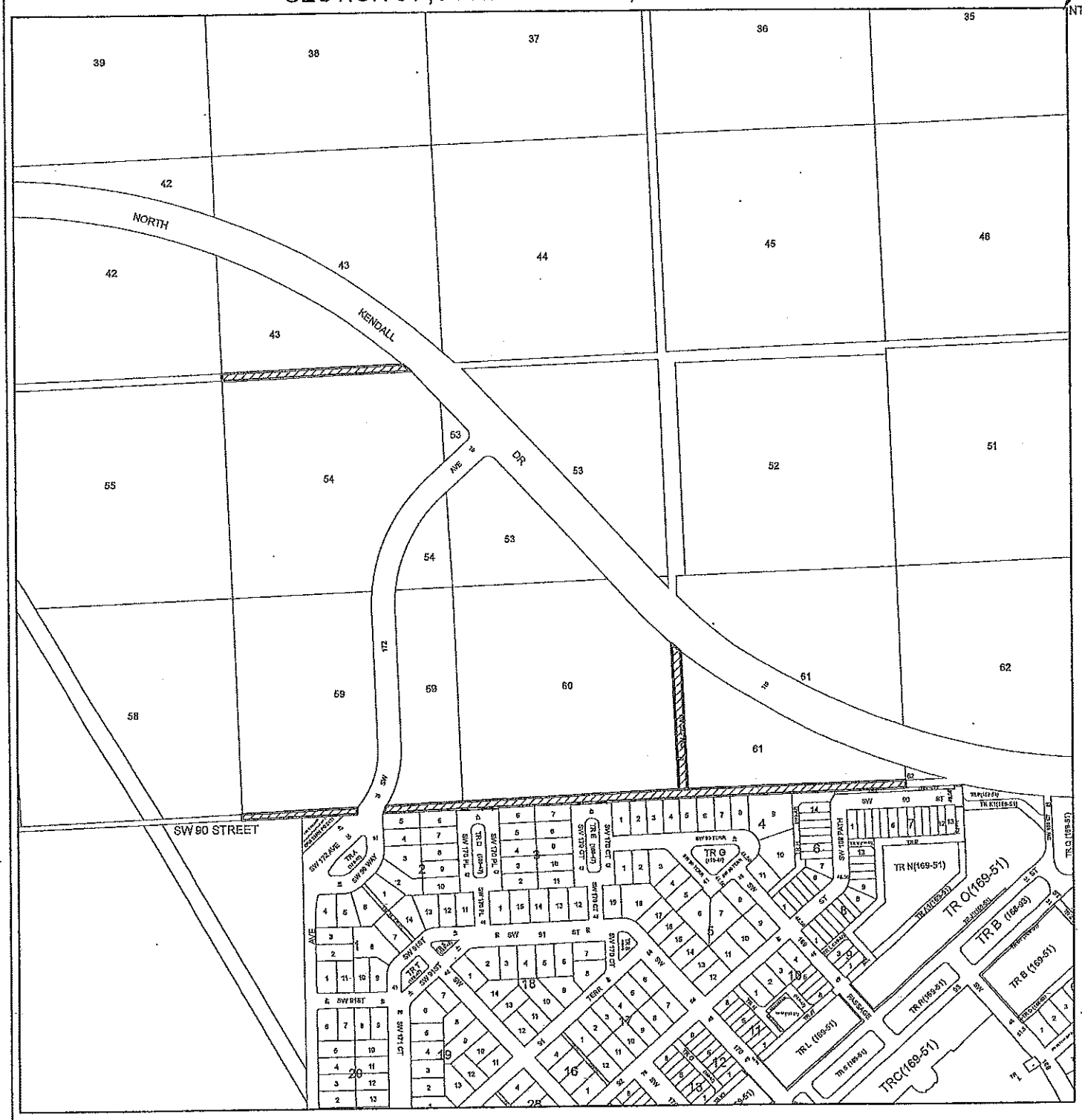
Alex S. Bokor

Location Map

SECTION 31 ,TOWNSHIP 54 S, RANGE 39 E

N

NTS



This is not a survey

P-902

Municipality: UNINCORPORATED MIAMI-DADE
Commission District: Juan C. Zapata, 11

Legend

Road Closing

LOT_TYPE

Lots

MIAMI-DADE COUNTY
Public Works & Waste Management Department
Right-of-Way Division
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128
PH (305) 375-2714 FAX (305) 375-2825

Date: October 4th, 2013
Prepared by: ym

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

> The Petitioner seeks the vacation of the multiple right-of-way located within the property more specifically described in the attached Exhibit "A". (9 pcs)

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

> **MIAMI EVERGLADE LAND DEVELOPMENT COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 3, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 54 SOUTH, RANGE 39 EAST IN MIAMI-DADE COUNTY, FLORIDA.**

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described road, right-of-way. These firms or individuals have been advised in writing of the proposed closure.

PRINT NAME	FOLIO NO.	ADDRESS
Kendall Investors 172, LLC, a Florida limited liability company	30-4931-001-0601	Lying to the South of SW 88 Street, North of SW 90 Street and West of SW 170 Avenue
	30-4931-001-0590	
	30-4931-001-0580	
	30-4931-001-0530	
	30-4931-001-0421	
	30-4931-001-0601	

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The Right-of-Way were intended to create three separate grids two of which run East and West and one running North and South through the Property. The Property recently was the subject of certain development approvals and the owner will be creating new right-of-way. in order to ensure appropriate access through the Property.

7. Signatures of **all** abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

David Brown, as managing member of
Kendall Investors 172, LLC, a Florida
Limited liability company

c/o Juan J. Mayol, Jr, Esq.
Holland & Knight
701 Brickell Ave
Miami, Florida 33131

Attorney for Petitioner: Juan J. Mayol, Jr., Esq.

Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131

(Signature of Attorney not required)

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared David Brown in his capacity as the managing member of Kendall Investors 172, LLC, a Florida limited liability company who first by me was duly sworn, deposes and says that he is the petitioner named in and who signed the forgoing petition; that he is duly authorized to make this verification for and on behalf of all petitioners; that he has read the foregoing petition and that the statements therein contained are true.

Sworn and subscribed to before me this
13 day of Sept, 2013

Notary Public

My Commission Expires: 11/30/15

KATHLEEN K. JONES
Notary Public - State of Florida
My Comm. Expires Nov 30, 2015
Commission # EE 143472

#25734469_v1

EXHIBIT "A" 1/9

LEGAL AND SKETCH

SURVEYOR'S NOTES:

1. Bearings are based on an assumed value of N87°43'41"E as the the south line of Section 31, Township 54 South, Range 39 East, in Miami-Dade County, Florida.
2. The survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
3. This sketch does not represent a land survey.
4. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

LEGEND:

POC	Point of Commencement	R	Radius
POB	Point of Beginning	Δ	Central Angle Of Curve
POT	Point of Termination	L	Length
P.B.	Plat Book	SF	Square Feet
PG.	Page	R/W	Right of Way
SEC.	Section	O.R.B.	Official Record Book

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND EACH SHEET NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.

PROJ. NO: 2005 22	DATE: 09/25/13	DRAWN: GB	CHECKED: AS	SCALE: NTS

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

R/W VACATION
PARCELS 59-61

SHEET 1 OF 3 SHEETS

\\SERVER\Data\SURVEY\Projects\2005\2005 22 DMS BLOOM SITE\DWG\2005 22 LEGAL AND SKETCH OF CLOSED ROADS.dwg 9/25/2013 8:53:15 AM EDT

EXHIBIT "A" 2/9

VACATION OF R/W
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A STRIP OF LAND LYING WITHIN THE PLAT OF "MIAMI EVERGLADE LAND CO. LTD", AS RECORDED IN PLAT BOOK 2 AT PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, IN SECTION 31, TOWNSHIP 54 SOUTH, RANGE 39 EAST, IN MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 10 FEET IN WIDTH, LYING TO THE LEFT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SW CORNER OF SAID SECTION 31; THENCE N87°43'41"E, ALONG THE SOUTH LINE OF SAID SECTION 31 AS A BASIS FOR BEARING FOR A DISTANCE OF 1321.34 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LINE:

THENCE N87°43'42"E ALONG THE SOUTH LINE OF SAID SECTION 31 FOR A DISTANCE OF 1321.34 FEET TO THE SOUTH QUARTER CORNER OF SECTION 31; THENCE CONTINUE N87°43'42"E, ALONG THE SOUTH LINE OF SAID SECTION 31, FOR A DISTANCE OF 660.67 FEET AND SAID LINE THERE TERMINATING.

LESS AND EXCEPT

THAT PORTION THEREOF WHICH LIES WITHIN THE RIGHT-OF-WAY OF SW 172 AVENUE AS RECORDED IN O.R.B. 28725 AT PAGE 2587 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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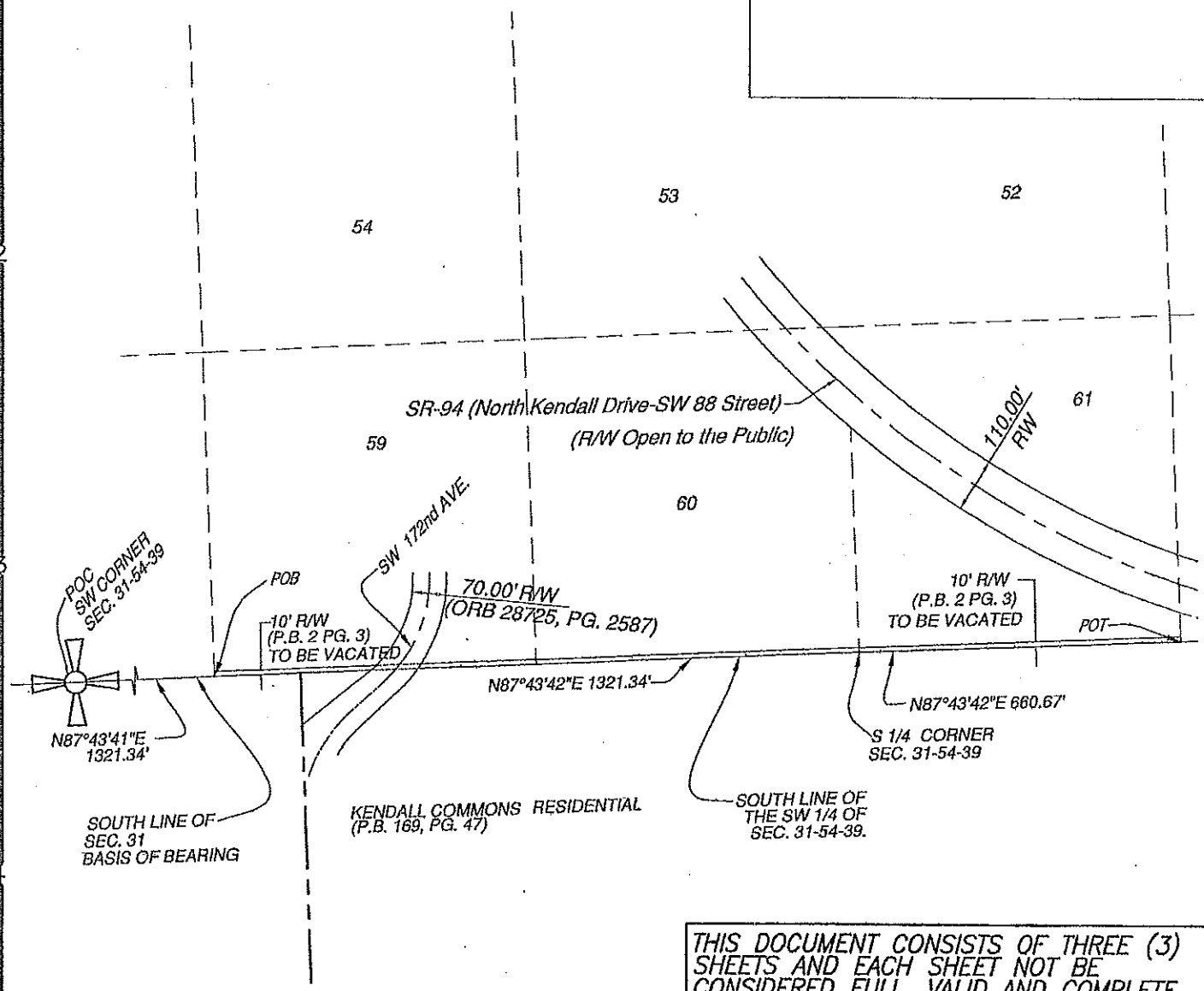
R/W VACATION
PARCELS 59-61

SHEET 2 OF 3 SHEETS

EXHIBIT "A" 3/9

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



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R/W VACATION
PARCELS 59-61

SHEET 3 OF 3 SHEETS

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EXHIBIT "A" 4/9

LEGAL AND SKETCH

SURVEYOR'S NOTES:

1. Bearings are based on an assumed value of N87°43'41"E as the the south line of Section 31, Township 54 South, Range 39 East, in Miami-Dade County, Florida.
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LEGEND:

POC	Point of Commencement	R	Radius
POB	Point of Beginning	Δ	Central Angle Of Curve
POT	Point of Termination	L	Length
P.B.	Plat Book	SF	Square Feet
PG.	Page	R/W	Right of Way
SEC.	Section	O.R.B.	Official Record Book

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers In Chapter 5J-17.051. Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

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R/W VACATION
PARCEL 60,61

SHEET 1 OF 3 SHEETS

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EXHIBIT "A" -5/9

VACATION OF R/W
LEGAL DESCRIPTION

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A STRIP OF LAND 20 FEET IN WIDTH, LYING 10.00 FEET TO THE LEFT AND 10.00 FEET TO THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SW CORNER OF SAID SECTION 31; THENCE N87°43'41"E ALONG THE SOUTH LINE OF SAID SECTION 31 AS A BASIS OF BEARING FOR A DISTANCE OF 1321.34 FEET; THENCE N87°43'42"E ALONG THE SOUTH LINE OF SECTION 31 FOR A DISTANCE OF 1321.34 FEET TO THE SOUTH QUARTER CORNER OF SECTION 31, BEING ALSO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE N02°14'07"W ALONG THE EAST LINE OF THE SW QUARTER OF SAID SECTION 31 FOR DISTANCE OF 455.37 FEET TO A POINT ON THE 110.00 FOOT RIGHT-OF-WAY OF SR-94, ALSO CALLED NORTH KENDALL DRIVE (OR SW 88 STREET), SAID LINE THERE TERMINATING.

THE SIDE LINES OF SAID EASEMENT TO BE EXTENDED OR SHORTENED TO MEET WITH THE SOUTHERLY LINE OF THE 110.00 FOOT RIGHT-OF-WAY OF SAID SR-94, ALSO CALLED NORTH KENDALL DRIVE (OR SW 88 STREET).

THIS DOCUMENT CONSISTS OF THREE (3) SHEETS AND EACH SHEET NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.

PROJ. NO: 2005 22	DATE: 09/25/13	DRAWN: GB	CHECKED: AS	SCALE: AS NOTED

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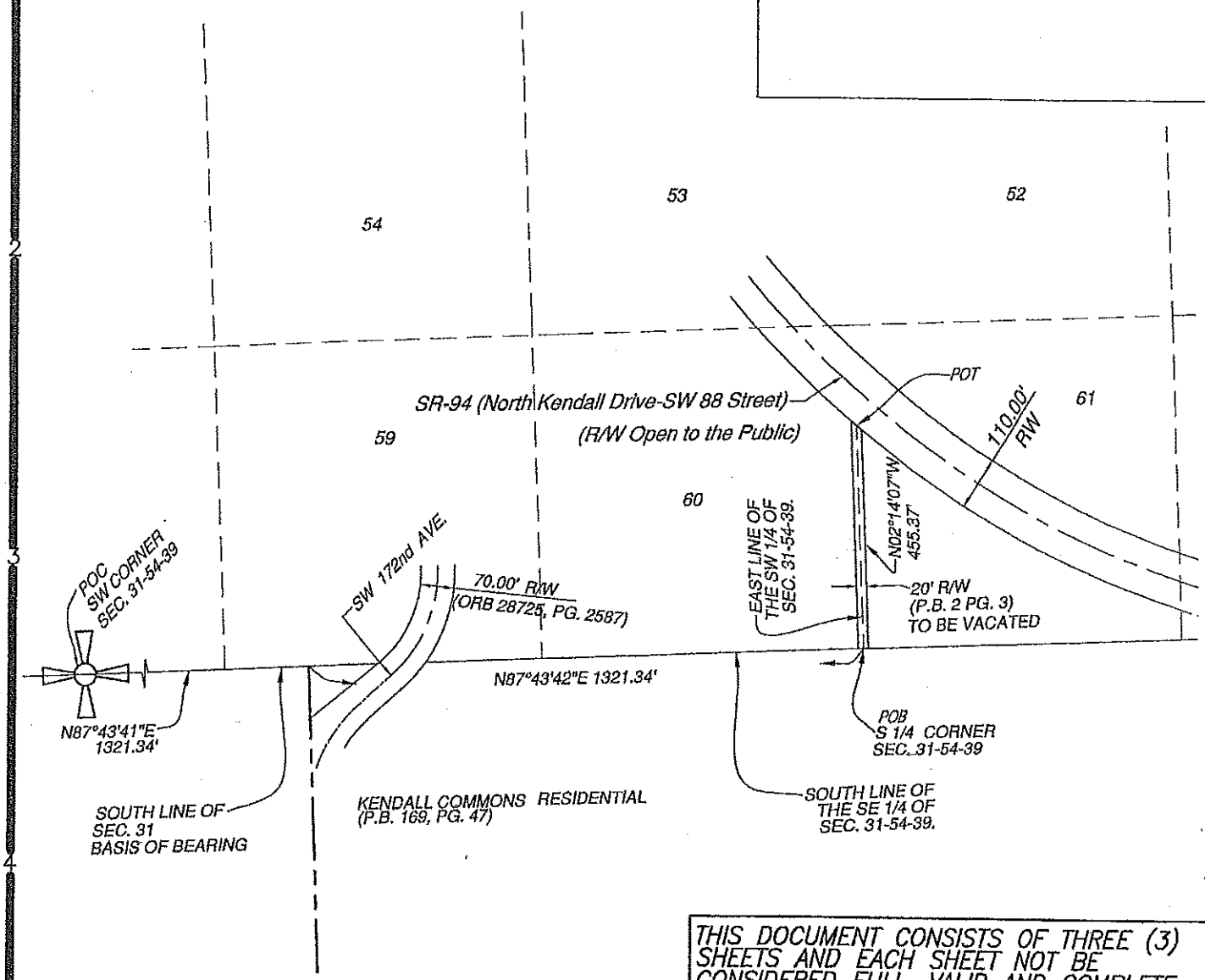
R/W VACATION
PARCEL 60,61

SHEET 2 OF 3 SHEETS

EXHIBIT "A" 6/9

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



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LUDOVICI & ORANGE
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R/W VACATION
PARCEL 60,61

SHEET 3 OF 3 SHEETS

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EXHIBIT "A" 7/9

LEGAL AND SKETCH

SURVEYOR'S NOTES:

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POT	Point of Termination	L	Length
P.B.	Plat Book	SF	Square Feet
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SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17.051. Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

Ludovici and Orange Consulting Engineers Inc. L.B. #1012

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By: _____

Arturo A. Sosa
Surveyor and Mapper 2629
State of Florida

PROJ. NO: 2005 22	DATE: 09/25/13	DRAWN: GB	CHECKED: AS	SCALE: NTS

LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

R/W VACATION
PARCELS 43,54

SHEET 1 OF 3 SHEETS

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EXHIBIT "A" 8/9

VACATION OF R/W
LEGAL DESCRIPTION

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A STRIP OF LAND 20 FEET IN WIDTH, LYING 10 FEET TO THE LEFT AND 10 FEET TO THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SW CORNER OF SAID SECTION 31; THENCE N87°43'41"E ALONG THE SOUTH LINE OF SAID SECTION 31 AS A BASIS OF BEARING FOR A DISTANCE OF 1321.34 FEET; THENCE N02°13'40"W ALONG THE EAST LINE OF THE WEST HALF OF THE SW QUARTER OF SAID SECTION 31 FOR A DISTANCE OF 1320.22 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SW QUARTER OF SAID SECTION 31, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE N87°43'17"E ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE SW QUARTER OF SAID SECTION 31 FOR A DISTANCE OF 549.36 FEET TO A POINT ON THE SOUTHERLY LINE OF THE 110.00 FOOT RIGHT-OF-WAY OF SR-94, ALSO CALLED NORTH KENDALL DRIVE (OR SW 88 STREET), AND SAID LINE THERE TERMINATING.

THE SIDE LINES OF SAID EASEMENT TO BE EXTENDED OR SHORTENED TO MEET WITH THE SOUTHERLY LINE OF THE 110.00 FOOT RIGHT-OF-WAY OF SR-94, ALSO CALLED NORTH KENDALL DRIVE (OR SW 88 STREET).

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LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
329 PALERMO AVENUE, CORAL GABLES, FLORIDA 33134 • 305/448-1600 • LB 1012

R/W VACATION
PARCELS 43,54

SHEET 2 OF 3 SHEETS

EXHIBIT "A" 9/9

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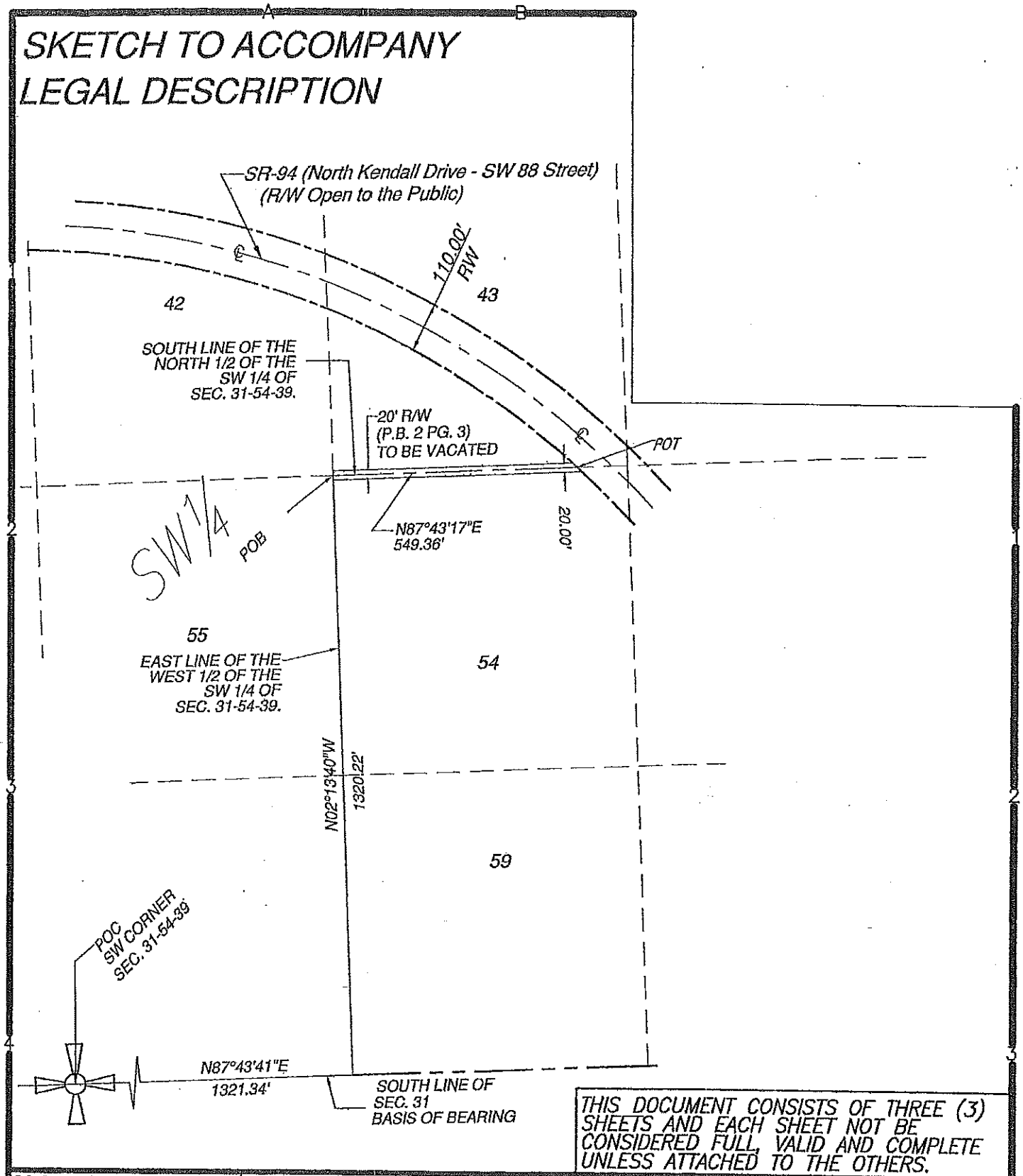

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LUDOVICI & ORANGE
CONSULTING ENGINEERS, INC.
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