

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: December 2, 2022

REF: V-418-22

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Vacation of the 16' alley within the block bounded by Washington St., Erie St., Lafayette St., and Ontario St.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 2, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Vacation of the 16' alley within the block bounded by Washington St., Erie St., Lafayette St., and Ontario St.

- Applicant - Kevin Prater
RKKP LLC, 15 South Ontario LLC, and 15 South Ontario Parking LLC
401 S. Washington Square, Suite 102
Lansing, MI 48933

- Engineer - Giffels Webster
28 W Adams Road, Suite 1200
Detroit, MI 48226

Site Description

- Zoning - CD / Downtown Commercial & IL / Limited Industrial
- Area - ± 1,293.92 square feet
- Frontage - ± 130' along Erie St.
± 292' along Ontario St.
- Existing Use - Alley
- Proposed use - Parking Lot

GENERAL INFORMATION (cont'd)

Area Description

| | | |
|-------|---|---|
| North | - | Multi-Family Residential, Parking Lot / IL & CD |
| South | - | Parking Lot / IL |
| East | - | Mixed-Use / CD |
| West | - | Multi-Family Residential, Mixed-Use / CD |

Parcel History

| | | |
|-----------|---|--|
| Z-9005-22 | - | Zone Change from IL-Limited Industrial to CD-Downtown Commercial at 8 South Erie Street. Plan Commission recommended approval 11/3/2022 (<i>Companion Case</i>). |
| SPR-44-22 | - | Major Site Plan Review for parking lot expansion at 15, 25, 31 & 39 S Ontario Street and 8 & 14 S Erie Street (<i>Companion Case, deferred to January 12, 2023</i>). |

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Warehouse District Master Plan (2017)
- Downtown Toledo Master Plan

STAFF ANALYSIS

The applicant is requesting the Vacation of a sixteen-foot (16') alley off of Washington Street in Downtown Toledo. The Vacation will facilitate the development of a surface parking lot. Surrounding land uses include multifamily to the north; a parking lot to the south; a parking lot and a vacant building to the east; and a vacant building to the west. On 08/16/2022, City Council approved a declaration of intent (*Res. 418-22*) to Vacate the requested alley.

The applicant is requesting the Vacation in order to facilitate the construction of a parking lot. The applicant has submitted companion case, SPR-44-22, a site plan of the proposed parking lot; however, the applicant has requested a deferral to modify the site plan. The alley is located at the north end of site, and a sidewalk and fence are depicted on the submitted site plan. The developer, Kevin Prater of 15 South Ontario LLC, is the owner of the Commerce Paper building, adjacent to the alley. The developer plans on restoring the Commerce Paper building into mixed use apartments and commercial space. The alley and new parking lot will serve the restored building, which will be renamed the Overmyer Lofts.

STAFF ANALYSIS (cont'd)

Downtown Master Plan

The Downtown Toledo Master Plan was adopted in 2017, and outlined twelve Priority Action Items including to “Identify Strategic Redevelopment and Infill Sites.” The proposed development of the Overmyer Lofts will allow the adaptive reuse of a vacant building and promote additional housing Downtown. The proposal meets the recommendations of the Downtown Master Plan.

Warehouse District Neighborhood Master Plan

The Toledo Warehouse District Neighborhood Master Plan was updated in 2017 and outlined multiple development opportunities and visions for streetscape enhancement. The Commerce Paper Building was highlighted as a development opportunity, and the parking lot assists in the redevelopment of this building. The plan also recommends that off-site parking be screened with fencing and landscaping. The parking lot shall be fenced according to TMC§1103.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Downtown Commercial land uses. Downtown Commercial encompasses a broad range of uses to reflect Downtown’s role as a commercial, governmental, cultural, and entertainment center for the region. Land uses are intended to be intense with high building coverage, large buildings, and buildings placed close together. The plan also encourages mixed-use pedestrian oriented development. The proposed Vacation complies with the 20/20 Plan.

Staff recommends approval of the proposed Vacation as it will not alter the intended land use of the site as designated in the Toledo 20/20 Comprehensive Plan and the project is compatible with the Downtown Master Plan and the Warehouse District Neighborhood Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-418-22, the request for the Vacation of a 16’ alley within the block bounded by Washington St., Erie St., Lafayette St., and Ontario St. to Toledo City Council for the following reason:

1. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan.

The Toledo City Plan Commission further recommends approval of V-418-22, the request for the Vacation of the 16’ alley within the block bounded by Washington St., Erie St., Lafayette St., and Ontario St. to Toledo City Council subject to the following **three (3)** conditions:

PLAN COMMISSION RECOMMENDATION (cont'd)

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. Sewer in alley in vacated area will become private and the responsibility of the property owner to maintain. A manhole shall be installed where the transition from private to public occurs.

Division of Transportation

2. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Plan Commission

3. Parcels 12-15984, 12-16016, and 12-16015 shall be combined.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

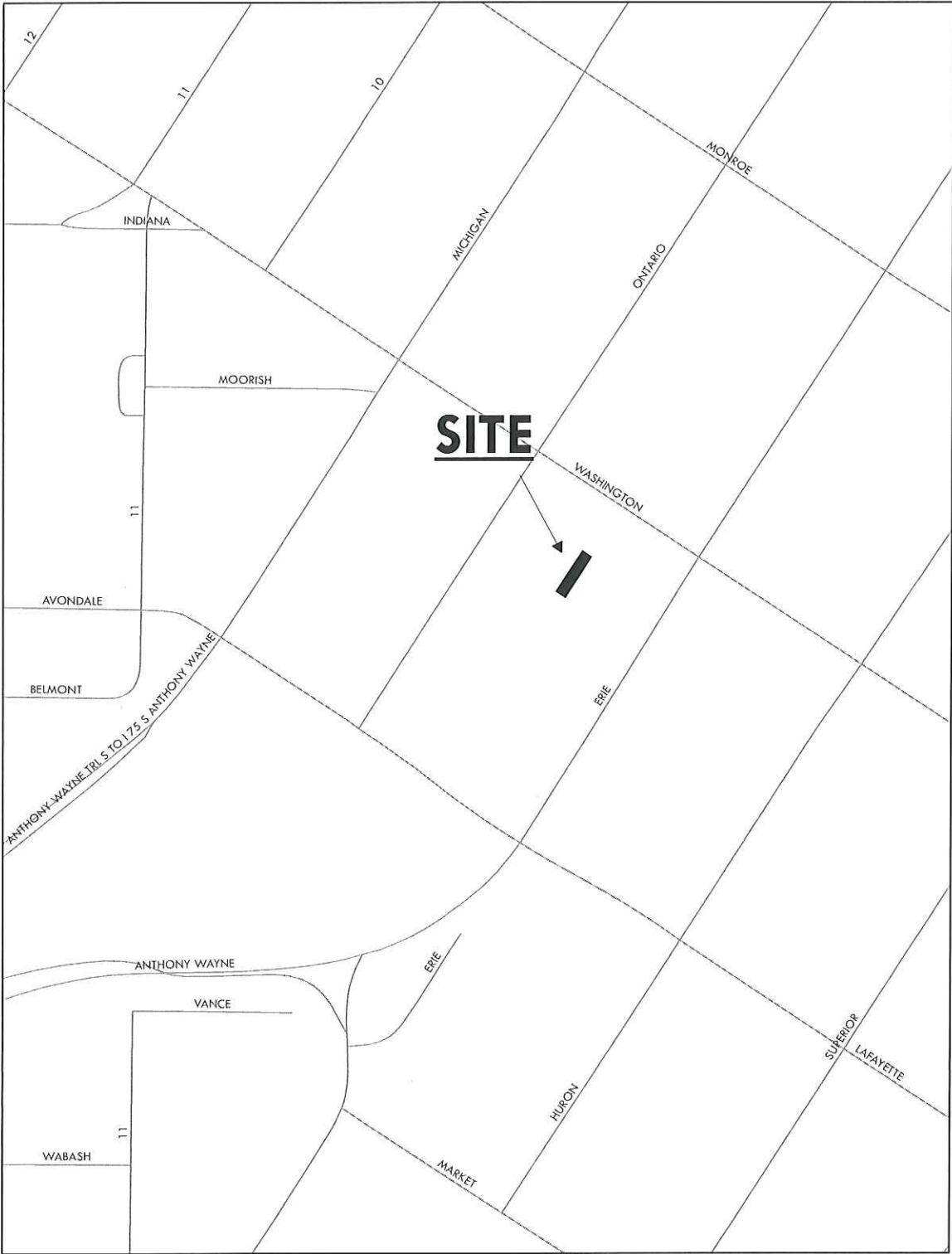
DR

Two (2) sketches follow

Cc: Kevin Prater, RKKP LLC, 15 South Ontario LLC, and 15 South Ontario Parking LLC, 401 S
Washington Square Suite 102, Lansing MI 48933
Giffels Webster, 28 W Adams Road Suite 1200, Detroit MI 48226
Lisa Cottrell, Administrator
Dana Reising, Associate Planner

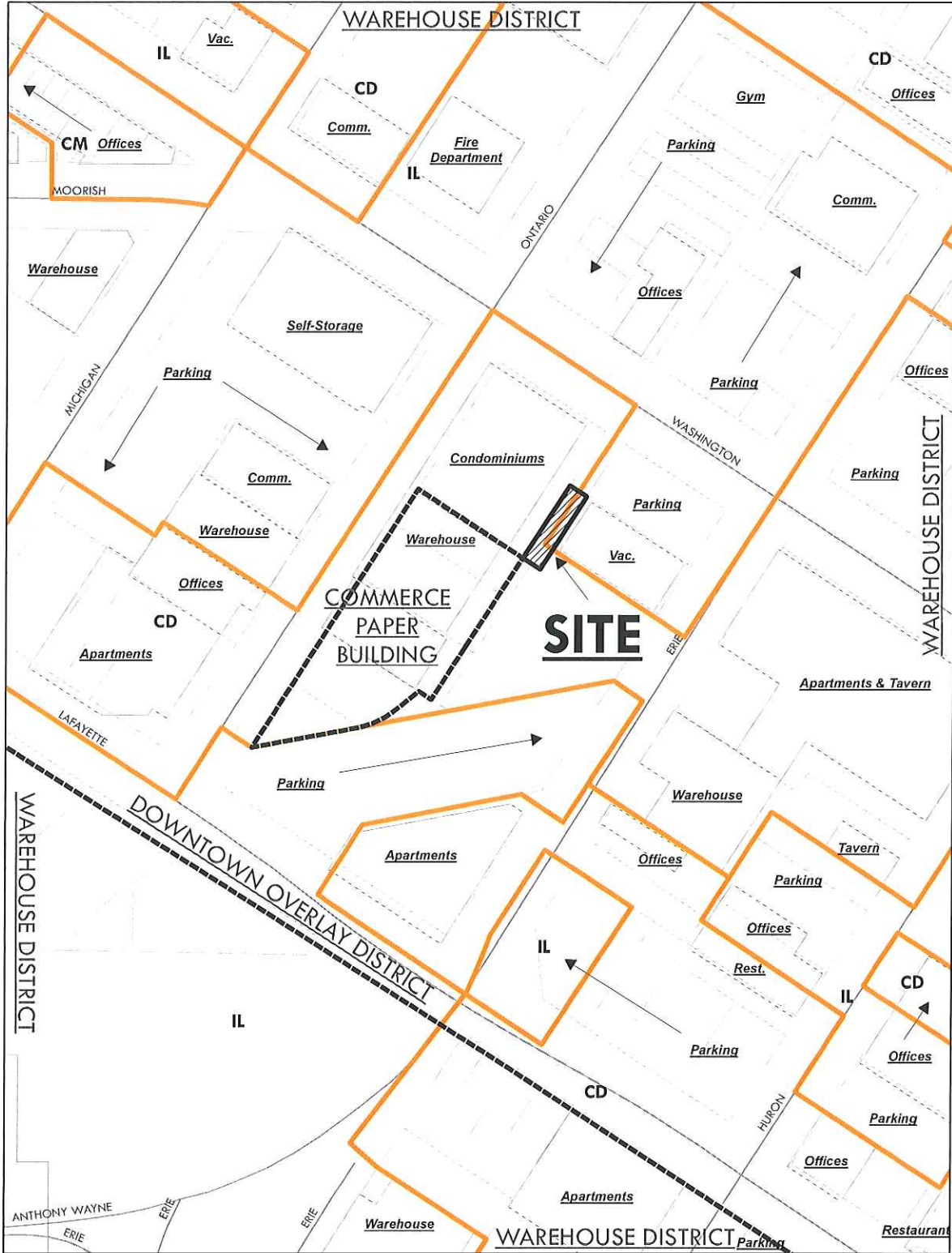
GENERAL LOCATION

V-418-22



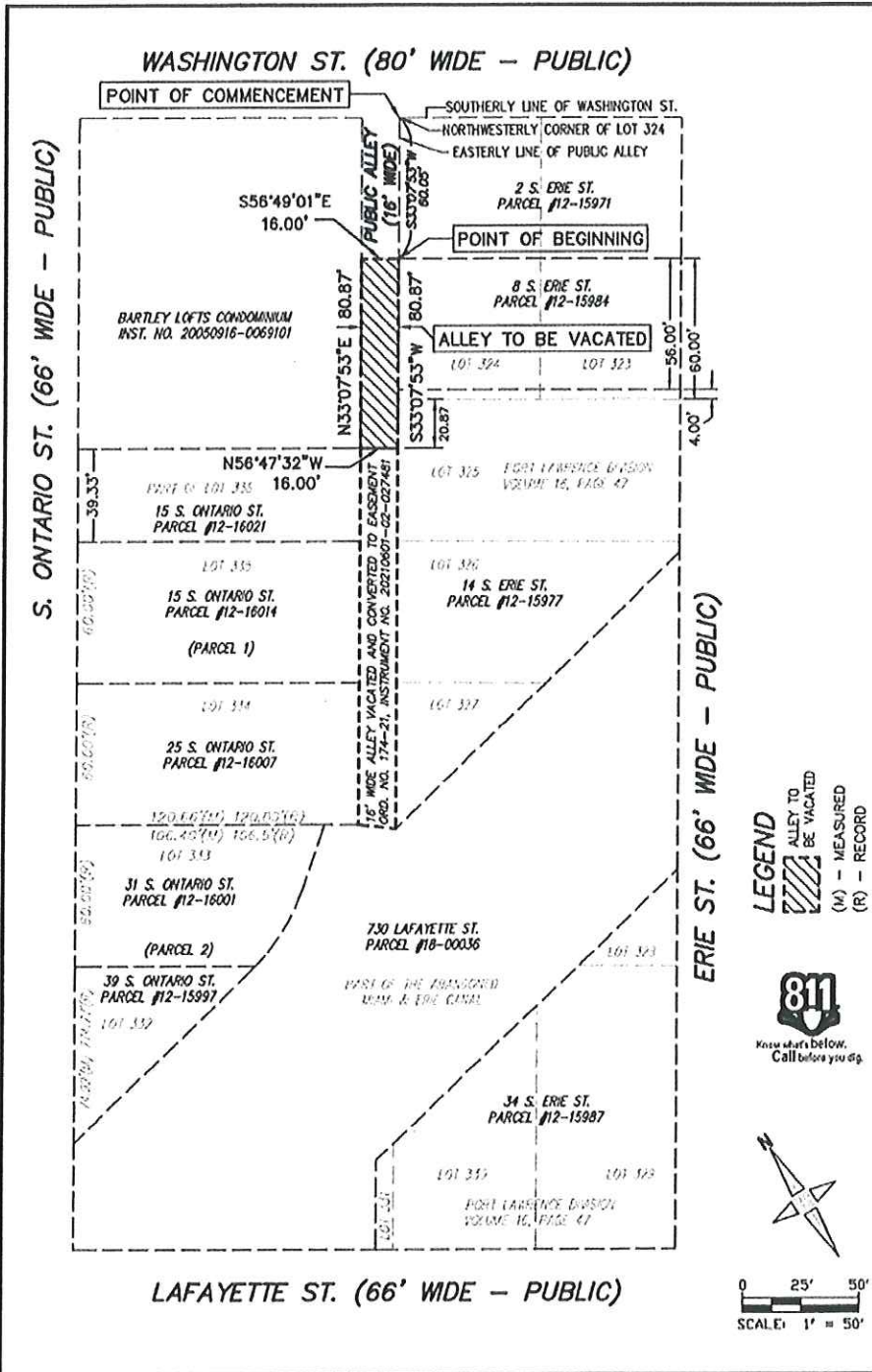
ZONING & LAND USE

V-418-22



SURVEY

V-418-22



TOLEDO COMMERCE PAPER CITY OF TOLEDO, LUCAS COUNTY, OHIO ALLEY VACATION

| <p>giffels webster Experts. Surveys. Planning. Landscape Architects</p> | <p>28 West Albers Road Toledo, OH 43624 601.962.4142 11015 962.5593 www.giffelswebster.com</p> | <p>Executive: C.A.A.</p> | <table border="1"> <thead> <tr> <th>DATE</th> <th>ISSUE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> | DATE | ISSUE | | | | | | | <p>Date: 05.18.22 Scale: 1"=50' Sheet: 1 OF 2 Project: 19748.00</p> <p><small>Copyright © 2022 Giffels Webster. No reproduction shall be made without written consent of Giffels Webster.</small></p> |
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| <p>Manager: C.A.A.</p> <p>Designer: C.A.A.</p> <p>Quality Control: A.L.G.</p> <p>Section:</p> | | | | | | | | | | | | |

AMERCO REAL ESTATE
COMPANY
2727 N CENTRAL AVE
PHOENIX AZ 85004

APLOCATIONS LLC
136 N HURON ST
TOLEDO OH 43604

BAIRD THOMAS J
1811 N REYNOLDS RD STE 201
TOLEDO OH 43615

BARTLEY #702 LLC
445 N RIVER RD
WATERVILLE OH 43566

BERGERON EMILY AMARO &
ARCHLAND JOSEPH JR
745 WASHINGTON # 704
TOLEDO OH 43624

BROWN CARLIANNE K
745 WASHINGTON ST UNIT 309
TOLEDO OH 43624

BUCK BRADLEY & MOLLY A
745 WASHINGTON ST # 509
TOLEDO OH 43604

CAIRL ROBERT W JR & JANE A
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TOLEDO OH 43604 8230

CROAK ERIC T
745 WASHINGTON ST UNIT 603
TOLEDO OH 43604

CULLMAN BENJAMIN
745 WASHINGTON ST UNIT 606
TOLEDO OH 43624

DIMARTINI ANDREW J
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TOLEDO OH 43624

ENSIGN DOUGLAS WARD
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TOLEDO OH 43604

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GLASER ADAM W
745 WASHINGTON ST
TOLEDO OH 43624

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HAKEL KAREN E
745 WASHINGTON ST
TOLEDO OH 43604

HEISLER SHAWNA M
745 WASHINGTON ST # 302
TOLEDO OH 43604

HURLEY ANN
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TOLEDO OH 43604

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TOLEDO OH 43612

KASPER PAIGE
745 WASHINGTON ST # 407
TOLEDO OH 43624

KELLEY RYAN P
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3601 W ALEXIS RD STE 118
TOLEDO OH 43623

KWIK PARKING INC
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TOLEDO OH 43603

LAMB ERNEST
745 WASHINGTON ST UNIT 507
TOLEDO OH 43604

LASCHEID MATTHEW W
745 WASHINGTON ST # 306
TOLEDO OH 43604

LOCKHART MARGARET J
745 WASHINGTON ST UNIT 305
TOLEDO OH 43604

MANHATTAN BUILDING
COMPANY
PO BOX 1985
TOLEDO OH 43603

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MEHLER JOSHUA &
SUSANNAH
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BOWLING GREEN OH 43402

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TOLEDO OH 43624

PARTEE ERIC N & SUZANNE L
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RICHARDSON PATRICIA A
745 WASHINGTON ST # 504
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4-K
BOCA RATON FL 33432

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LTD
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KAYESVILLE UT 84037

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SANDER JAMES E
745 WASHINGTON ST # 303
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SHIPMAN NATHANIAL &
KRISTIN
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SOTO RAFAEL
745 WASHINGTON ST # 601
TOLEDO OH 43604

SULLINGER CAROL F
745 WASHINGTON ST UNIT 502
TOLEDO OH 43624

TOL FIRE FIGHTERS LOC 92
BLDG CORP
714 WASHINGTON
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TOLEDO OH 43604

VAUGHN RODNEY E
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SYLVANIA OH 43560

WEISBROD THOMAS L & KIM A
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PERRYSBURG OH 43551

WRIGHT DUSTIN D
745 WASHINGTON ST UNIT 208
TOLEDO OH 43604

YONKER COLTON T & HALEY
745 WASHINGTON UNIT 406
TOLEDO OH 43624

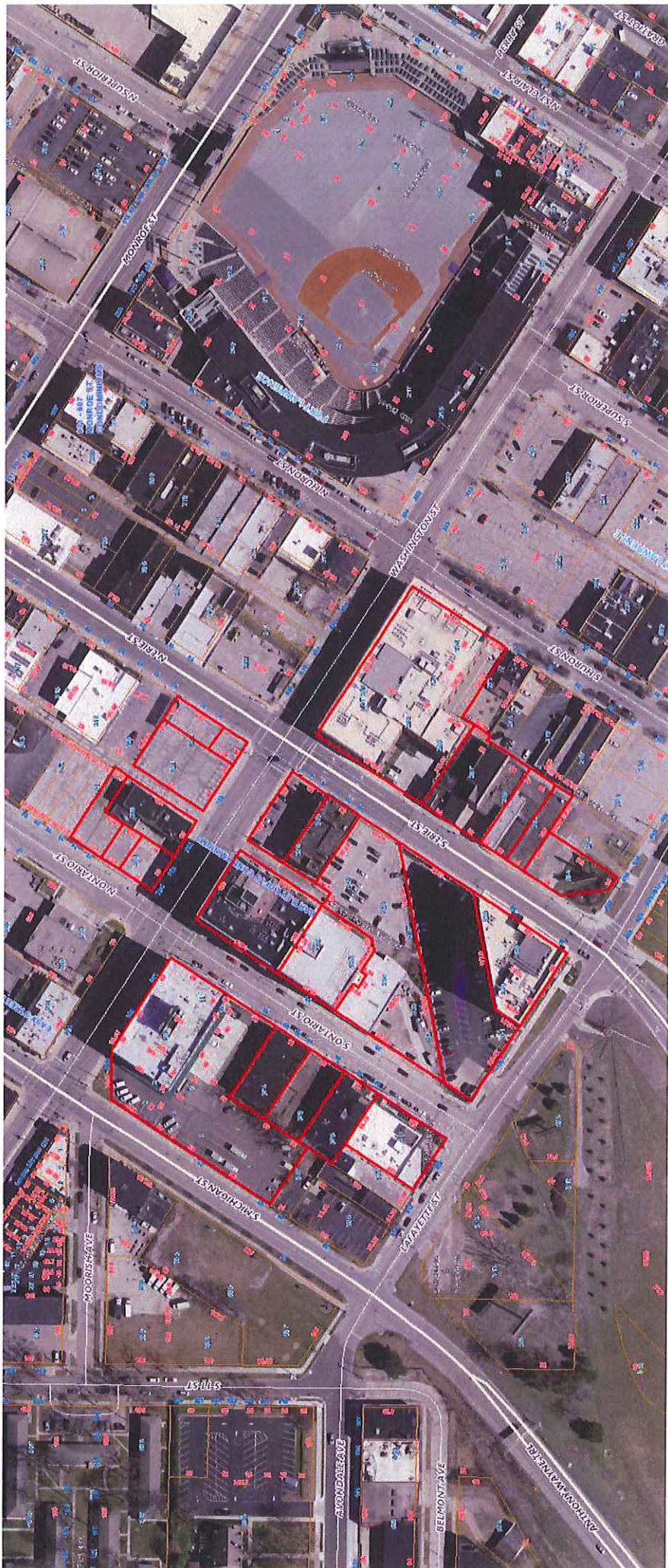
YSZENGA MOLLY
745 WASHINGTON ST # 607
TOLEDO OH 43604

ZOGRAFIDES CHRISTOPHER A
745 WASHINGTON ST # 405
TOLEDO OH 43604

KEVIN PRATER
401 S WASHINGTON SQUARE
SUITE 102
LANSING MI 48933

GIFFELS WEBSTER
28 W ADAMS ROAD, SUITE 1200
DETROIT MI 48226

COUNCILMEMBER WILLIAMS
ONE GOVERNMENT CENTER
SUITE 2120



From: [Kevin Prater](#)
To: [Ryan Kelley](#); [Jake Lindke](#); [William Goldberg](#)
Cc: [Bradley Buck](#); [Eric Partee](#); [Chris Zografides](#); [Laura Baird](#); [Matt Lascheid](#); [Jacob Miller](#); [Reising, Dana](#); [Gibbons, Julie](#); [Bartley Lofts](#)
Subject: RE: OVM - Bartley Alley
Date: Monday, October 10, 2022 1:38:37 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[OVM_AlleyVacation_10102022.pdf](#)

Ryan,

See attached drawing showing Alley Vacation. Also see comments in RED below



Kevin Prater | President | Buildtech Ltd. Construction • Development
401 S. Washington Square, Suite 102, Lansing, MI 48933
P: 517-708-3002 | C: 517-420-5090

From: Ryan Kelley

Sent: Friday, October 7, 2022 10:09 AM

To: Jake Lindke ; Kevin Prater ; William Goldberg

Cc: Bradley Buck ; Eric Partee ; Chris Zografides ; Laura Baird ; Matt Lascheid ; Jacob Miller ;
dana.reising@toledo.oh.gov; julie.gibbons@toledo.oh.gov; Bartley Lofts

Subject: Re: OVM - Bartley Alley

Kevin,

The Bartley Lofts Homeowners Association Board has discussed the concept of vacating the alley, but we cannot make an informed decision without more information and legal assurances. Can you please provide us with the following:

- Plan drawing of the alley post vacation – SEE ATTACHED DRAWING
- A proposed written agreement between Bartley Lofts and Buildtech/Berdan/Standart/Commerce The formal vacation will take roughly 6 more months to finalize. As for a written agreement the agreement will between 15 South Ontario LLC and Bartley Homeowners Association (Or legal Entity) (Berdan, Standard and Commerce will not be involved in this agreement.) The agreement that is proposed should come from your side as I am not entirely sure what is wanted. If Board issues a list of bullet points we can start a draft if needed. Please let me know your thoughts.
- An estimate of Bartley Lofts' costs associated Estimated cost excluding land improvements is less than \$2000.

When we have this information, we can give the proposal proper consideration. We would prefer this information be received well before the hearing October 13th so we have adequate time to evaluate it. If you have any questions about this request, please email or give a member of our board a call to discuss. We hope to work with you on this and other concerns to find mutual benefit for all surrounding developments.

If you need any other information, please do not hesitate to contact me.

Sincerely,

Bartley Homeowners Association Board

Cc: Bartley HOA Board, Dana Reising, Julie Gibbons

On Tuesday, July 19, 2022 at 03:33:08 PM EDT, Ryan Kelley <ryankelley8509@yahoo.com> wrote:

I'll be in the alley at 4pm today to meet with the Buildtech crew. If you can make it, please join us.

Ryan

On Wednesday, July 13, 2022 at 10:11:27 AM EDT, Ryan Kelley <ryankelley8509@yahoo.com> wrote:

Good morning,

I'm available at 4pm if that works for you. I don't know about the other board members schedules, but cc'd them on this message.

Ryan

On Wednesday, July 13, 2022 at 10:08:20 AM EDT, Jake Lindke <jlindke@buildtech.com> wrote:

Ryan – Hope things are well. I wanted to reach out and see if we can schedule for a time for you & any other members of your board who you feel should attend to meet with Kevin & myself to dial in a plan regarding the alley behind the Bartley. Let me know if next Tuesday, 7/19 would work for you all sometime in the afternoon besides from 3-4pm. Thank you,



Jake Lindke | Project Manager | Buildtech Ltd.

401 South Washington Square, Suite 102,

Lansing, MI 48933

C: 419-360-5577

From: Ryan Kelley <ryankelley8509@yahoo.com>

Sent: Thursday, June 2, 2022 5:19 PM

To: Jake Lindke <jlindke@buildtech.com>

Cc: Kevin Prater <kprater@buildtech.com>; William Goldberg <wgoldberg@buildtech.com>

Subject: Re: OVM - Bartley Alley

Kim Seidel moved to Denver last month. Nichol Fifer moved out of the Bartley Nov 2020. These two spaces were never part of our easement as an HOA. The bill was paid by the resident, not our HOA.

My previous email requested an additional 12 spaces to the 13 we already have, bring us to a total of 25 spaces. 25 total in the new easement agreement coming with the sausage building coming down and the alley vacation..

On Thursday, June 2, 2022, 04:41:56 PM EDT, Jake Lindke <jlindke@buildtech.com> wrote:

Hi Ryan – I checked with our management staff and confirmed that Kim Siedel and Nicole Fifer are both renting spots from us in the lot, in addition to the 13 spots you have an easement for. I want to confirm I understand your last email correctly, and that you would be in need of an additional 10 spots to the current 15 being renting, totaling

25? Thank you,



Jake Lindke | Project Manager | Buildtech Ltd.

401 South Washington Square, Suite 102,

Lansing, MI 48933

C: 419-360-5577

From: Ryan Kelley <ryankelley8509@yahoo.com>

Sent: Thursday, June 2, 2022 3:47 PM

To: Jake Lindke <jlindke@buildtech.com>

Cc: Kevin Prater <kprater@buildtech.com>; William Goldberg <wgoldberg@buildtech.com>

Subject: Re: OVM - Bartley Alley

I don't think the two extra spaces are being rented anymore, are they? I'm under the impression we only have 13, please let me know if this is incorrect.

It's water under the bridge now, but each of Bartley's 52 units was supposed to have an outside parking space in the lot. It was all lost in the Berdan default. It was made clear during the Sausage building tour this year 52 spaces are not available for the Bartley. Can we get 25 total spaces under the same terms as our current easement? We pay for the taxes, snow removal, maintenance, and the other associated costs of the number of spaces we have rights to?

A lot of our residents park on Ontario St currently. There's concern with Commerce coming online in a couple years, that's going to become difficult. If we can shift these people to the lot, it would open up Ontario St.

Thanks for your consideration,

Ryan

On Thursday, June 2, 2022, 08:37:42 AM EDT, Jake Lindke <jlindke@buildtech.com> wrote:

Ryan – Glad we were able to discuss the details of this vacation as a group. As for additional parking, how many spots do you plan to be in need of in addition to the 15 spots currently occupied by Bartley Tenants (13 within the easement, and 2 additional rented by tenants)? Thank you,



Jake Lindke | Project Manager | Buildtech Ltd.

401 South Washington Square, Suite 102,

Lansing, MI 48933

C: 419-360-5577

From: Ryan Kelley <ryankelley8509@yahoo.com>

Sent: Wednesday, June 1, 2022 8:46 AM

To: Jake Lindke <jlindke@buildtech.com>

Cc: Kevin Prater <kprater@buildtech.com>; William Goldberg <wgoldberg@buildtech.com>

Subject: Re: OVM - Bartley Alley

Good Morning,

Thanks for meeting with us to discuss Bartley concerns. We certainly want to work with you to improve the situation for all the residents, including Bartley people. The current situation allows for space to move people in/out, receive deliveries, and have an area for contractors to park. So thank you for understanding why we are concerned about changes that would affect how we operate.

Over the years, it was suggested the Bartley could have move parking as this plan comes together. Is that still the case? If so, how many additional parking spaces would be possible?

I think everyone is in agreement about improving the landscaping, so we're looking forward to working with you on that.

On Tuesday, May 31, 2022, 06:19:20 PM EDT, Jake Lindke <jlindke@buildtech.com> wrote:

Ryan – Thanks for meeting with us again, as discussed, attached is the documentation regarding the alley vacation for review with your board. Please let us know if you have any questions or need anything further prior to us submitting to the City. We are looking forward to hearing back from you with the boards opinion. Thank you,



Jake Lindke | Project Manager | Buildtech Ltd.

401 South Washington Square, Suite 102,

Lansing, MI 48933

C: 419-360-5577

From: Ryan Kelley <ryankelley8509@yahoo.com>

Sent: Wednesday, May 25, 2022 2:27 PM

To: Jake Lindke <jlindke@buildtech.com>

Cc: Kevin Prater <kprater@buildtech.com>; William Goldberg <wgoldberg@buildtech.com>

Subject: Re: Alley

Thanks for sending this over. I forwarded it to the board. They wonder if you can comment on our concerns about how we currently use the alley for move in/out/deliveries and what effect vacating the alley would have for these needs.

On Wednesday, May 25, 2022, 01:14:02 PM EDT, Jake Lindke <jlindke@buildtech.com> wrote:

Hi Ryan – Hope things are well. Attached is the documentation that we are planning to submit to the City of Toledo regarding the alley vacation between the buildings. If you have any questions or would like further clarification on anything, please don't hesitate to contact me. Thank you,



Jake Lindke | Project Manager | Buildtech Ltd.

401 South Washington Square, Suite 102,

Lansing, MI 48933

C: 419-360-5577

From: Ryan Kelley <ryankelley8509@yahoo.com>

Sent: Saturday, May 21, 2022 12:02 PM

To: Jake Lindke <jlindke@buildtech.com>; Kevin Prater <kprater@buildtech.com>

Subject: Alley

Hi Jake and Kevin,

Would you be able to share your plans with us? Our board has some concerns about this, given our need to access the building from this side for deliveries and move ins/outs. Anything you can provide would be appreciated.

Thank you

Ryan

811
 Home Call before you dig.
 Home Call before you dig.
 Home Call before you dig.

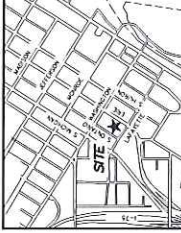
| NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------------|----|
| 1 | REVISION | 10/15/2020 | JK |
| 2 | REVISION | 10/15/2020 | JK |
| 3 | REVISION | 10/15/2020 | JK |
| 4 | REVISION | 10/15/2020 | JK |
| 5 | REVISION | 10/15/2020 | JK |
| 6 | REVISION | 10/15/2020 | JK |
| 7 | REVISION | 10/15/2020 | JK |
| 8 | REVISION | 10/15/2020 | JK |
| 9 | REVISION | 10/15/2020 | JK |
| 10 | REVISION | 10/15/2020 | JK |

15 South Ontario LLC
 401 South Washington Square
 Suite 102
 Lansing, MI 48933
 P: (517) 789-3032
 F: (517) 789-1104
 Email: info@southontariolc.com

Existing Conditions
 THE OVERMER
 15 S. ONTARIO ST
 LANSING, MI 48933

Dr. J. H. Overmer
 L.D. Overmer
 O.D.S.

Date: 07/03/2020
 Scale: 1" = 30'
 Project: 192410



LOCATION MAP
 (NOT TO SCALE)

PROPERTY DESCRIPTION
 PROJECT SUBJECT: 15 SOUTH ONTARIO STREET
 TITLE AND ESCROW, I.T.S. DATED JAN 1, 2016

UTILITY STATEMENT
 THE ENGINEER HAS REVIEWED THE RECORD DRAWINGS AND RECORDS FOR THE PROJECT AND HAS FOUND NO UTILITY MARKS ON THE PROJECT SITE. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT SITE AND HAS FOUND NO UTILITY MARKS ON THE PROJECT SITE. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT SITE AND HAS FOUND NO UTILITY MARKS ON THE PROJECT SITE.

BENCH MARK DATA
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