

# Office of the City Clerk

City Hall 121 N. LaSalle St. Room 107 Chicago, IL 60602 www.chicityclerk.com

# Legislation Details (With Text)

File #: O2021-2859

Type: Ordinance Status: Passed

File created: 6/25/2021 In control: City Council

**Final action:** 11/17/2021

Title: Vacation of portion of W Gunnison St within area bounded by W Ainslie St, N Lamon Ave, W

Lawrence Ave and N Lavergne Ave

**Sponsors:** Gardiner, James M.

Indexes: Vacations

**Attachments:** 1. O2021-2859.pdf, 2. O2021-2859 (V1).pdf

| Date       | Ver. | Action By                                  | Action              | Result |
|------------|------|--|---------------------|--------|
| 11/17/2021 | 1    | City Council                               | Passed              | Pass   |
| 11/10/2021 | 1    | Committee on Transportation and Public Way | Recommended to Pass |        |
| 6/25/2021  | 1    | City Council                               | Referred            |        |

#### COMMERCIAL VACATION ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of local government pursuant to Article VII, Section 6 (a) ofthe 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the properties at 4900-4904 W. Gunnison Street, 4901-4903 W. Gunnison Street, 4832-4844 N. Lamon Avenue and 4818-4824 N. Lamon Avenue are owned by 4844 North Lamon LLC ("Developer"); and

WHEREAS, the Developer proposes to use the portion of dead-ended W. Gunnison Street vacated herein, for storage of materials, loading and parking for the adjacent masonry business; and

WHEREAS, the City Council of the City of Chicago, after due investigation and consideration, has determined that the nature and extent ofthe public use and the public interest to be subserved is such as to warrant the vacation of that portion of the public street described below; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. VACATION of

THAT PART OF W. GUNNISON AVENUE 66 FOOT RIGHT OF WAY LYING SOUTH OF THAT PART OF LOT 46 AND LOTS 47 AND 48 IN BLOCK 6 IN MURRAY'S ADDITION TO JEFFERSON (ANTE-FIRE), WEST OF THE N. LAMON AVENUE WEST RIGHT OF WAY, NORTH OF AND ADJOINING LOTS 1 AND 2 IN BLOCK 7 IN MURRAY'S ADDITION

TO JEFFERSON (ANTE-FIRE) AND LYING EAST OF AND ADJOINING A LINE 17 FEET, MEASURED AT RIGHT ANGLES, EASTERLY OF SAID EASTERLY RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD ALL IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 AFORESAID, THENCE NORTH 89 DEGREES 39 MINUTES 44 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT; THENCE NORTH 19 DEGREES 51 MINUTES 44 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT; THENCE NORTH 19 DEGREES 51 MINUTES 44 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT 70.33 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT; THENCE SOUTH 89 DEGREES 39 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 54.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 48; THENCE SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST ALONG THE EASTERLY LINE OF SAID TRACT 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. SAID ABOVE PARCEL CONTAINING 2,843 SQ. FEET, OR 0.07 ACRES, MORE OR LESS, as shaded and legally described by the words "HEREBY VACATED" on the plat hereto attached as EXHIBIT A, which plat, for greater clarity, is hereby

made a part of this ordinance, be and the same is hereby vacated and closed, inasmuch as the same is no longer required for public use and the public interest will be subserved by such vacation.

SECTION 2. The City of Chicago reserves an easement for the Metropolitan Water Reclamation District, its successors and assigns, substantially in the form of the draft the Permanent Easement attached hereto as Exhibit B, which shall be executed and recorded by the Developer prior to the recording of this vacation ordinance.

SECTION 3. The Developer acknowledges that the currently public Department of Water Management 12" sewer line and appurtenances within the area to be vacated shall become the private property, liability and maintenance responsibility of the Developer, including ensuring that it is removed, or filled and capped for safety, in accordance with the terms specified in the correspondence dated April 8, 2021 from said Department and attached hereto as EXHIBIT C. Plans must be reviewed, approved and permitted by the Department of Water Management, Sewer Design Section, prior to the commencement of any work. The, Developer shall provide the Department of Water Management, Sewer Design Section, with as-built drawings submitted within 45 days of completion. All work shall be completed at the sole expense of the Developer.

SECTION 4 The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance, and prior to recording, the Developer shall 1) deposit in the City Treasury of the City of Chicago, a quoted sum sufficient to defray the cost of work for public paving, curb, and related appurtenances associated with the Developer's project in the event that it defaults in its obligation to construct the directed imp rovements in accordance

with

'the most current version of the Chicago Department of Transportation's ^aulaiiGn^r^pejiihrn j^dSwm® its appendices; and 2) subrriif'for field Inspection and approval of its construction of said improvements to the CDOT Division of Infrastructure Management, Construction Compliance Unit, Room 905 City Hall, prior to the return of the monies deposited there (minus service fee).

SECTION 5. The vacation herein provided for is made upon the express condition that within 180 days after the passage of this ordinance,, the Developer shall pay or cause to be: paid to the City of Chicago as compensation for the benefits which will accrue to the owner ofthe property abutting said p<sup>ort</sup> <">f riublic street hereby vacated the appraised sum of

| File #: O2021-2859, Version: 1  |
|---|
| Forty-Three Thousand dollars Ka3.000.00 ),                              |
| which sum in the judgment of this body will be equal to such benefits,. |

SECTION 6. The vacation herein provided for is made under the express condition that the Developer, its successors and assigns, shall hold harmless, indemnify and defend the City \ of Chicago from all claims related to said vacation, i

SECTION 7. Within one hundred and eighty (180) days after the passage of this ordinance, the Developer shall file or cause to be filed for recordation with the Office of the

Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance, together with the associated full-sized plat as approved by the Superintendent of Maps and Plats.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication. The vacation shall take effect and be in force from and after the recording of this ordinance and the vacation plat.

Vacation Approved:

Approved as to Form and Legality

Arthur Dolinsky Senior Counsel Introduced By:

/^faonorable James Gardiner Alderman, 45th Ward

Page 3

Exhibit B

Form of Permanent Easement

#### **EASEMENT GRANT**

THIS GRANT OF EASEMENT made this day of 2021, from (hereinafter called the "Grantor") to the METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, a municipal corporation organized and existing under the laws of the State of Illinois (hereinafter termed the "District"), 100 East Erie Street, Chicago, Illinois 60611.

#### WITNESSETH, THAT

WHEREAS, the District has constructed the North Side Sewage Treatment Works Division R Discharge Sewer and North Side Sewage Treatment Works 67-10 (NST-T) (67-001-2S) North Side Sludge Line Rehabilitation Section 2 with appurtenances thereto (hereinaftertermed the "System"), the same to be an adjunct of and addition to the Channels and Outlets of the District; and

WHEREAS, in order to construct the System, it is necessary for the District to obtain a permanent easement, right, privilege, and authority to reconstruct, repair, maintain, operate and have access to a certain part ofthe System through certain premises hereinafter described; and

WHEREAS, the Grantor is willing to grant said permanent and temporary easements, rights, privileges, and authority to the District, upon the terms and conditions herein set forth;

NOW, THEREFORE, in consideration of the sum of Ten Dollars and Zero Cents in hand paid by the District to the Grantor, the receipt of which is hereby acknowledged, and the covenants and conditions hereinafter contained, the Grantor does hereby bargain, sell, grant, transfer and convey to the District, its successors and assigns, the permanent easement, right, permission, and authority to reconstruct, repair, replace, operate, maintain and have access to the System through the following described premises hereinafter referred to as:

Parcel 10A - Permanent Easement

(Legal description: To come)

IN CONSIDERATION of the grant of the permanent easement, rights, privileges, and authority herein contained, this Easement Grant is subject to the following conditions:

FIRST: Said part of the System has been constructed upon, over, and through the easement premises described herein, at the sole expense of the District, and in accordance with the specifications and plans prepared by the Chief Engineer of the District.

SECOND: The District expressly assumes all responsibility for, and shall indemnify, save, and keep harmless the Grantor against any loss, damage, cost or expense which it may suffer, incur or sustain, or for which it might become liable growing out of any injury to or death of persons, or loss, or damage to property, arising out of or caused in the performance of any work done by or under the authority of the District by virtue of the

rights granted herein. In the event ofthe bringing of any action, suit or suits, against the Grantor growing out of any such loss, damage, cost or expense,

and as a prerequisite to any recovery therefore from the District, the Grantor shall give written notice to the District of the commencement of such action, suit or suits, and thereafter the District shall assume the defense thereof. The District shall save and keep harmless the Grantor from any claims for mechanics' liens by reason of any construction work, repairs, replacements, or other work, or for any improvements made or placed upon or to the easement by the District.

The rights and obligations of the Grantor and the District, respectively hereunder, shall inure to the benefit of and be binding upon their respective successors and assigns, and all terms, conditions, and covenants herein shall be construed as covenants, running with the land.

#### THIRD:

- a) The Grantor may use the surface of said real estate, it being understood, however, that such use shall not in any manner interfere with or damage the System.
- b) The Grantor and its successors, assigns, and beneficiaries may construct a building or buildings or other structures upon said permanent easement, subject to approval by the Director of Engineering ofthe District.
- c) The District shall, if the System is reconstructed or repaired, restore the Grantor's property to its original or better condition as stated in the General Specifications of the District for the System. All such restoration work will be completed within 60 days after the System is constructed, weather conditions permitting.

FOURTH: The Grantor hereby acknowledges that it has been advised of its rights under the Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) by the District or is otherwise familiar with same; that the transaction embodied in the foregoing document is subject to said P.L 91-646; and that notwithstanding the rights afforded it thereunder does hereby knowingly and intentionally waive and relinquish any and all rights which it may have thereunder and acknowledges that the consideration paid for the easement aforesaid is fair and reasonable.

#### IN WITNESS WHEREOF:

The Grantor has executed this instrument consisting of pages, including the inserted page(s) #A [to come] and Exhibit ## [to come], and this page, in quadruplicate, and has hereunto set their hand and seal on the day and date first written above, hereby releasing and waiving all rights under and by virtue ofthe Homestead Exemption Laws of the State of Illinois.

| Ву::  |
|---|
| Name:   |
| <u>∎ -</u>  |
| Permanent Easement GRANTOR: [INSERT GRANTOR NAME] PARCEL #A |
| PERMANENT EASEMENT Legal Description and PIN(s): [To come]  |

EXHIBIT "A"

# **PLAT OF VACATION**

#### TRAFFIC FIOW W. AINSUE STREET

(RECORD 66 FT. PUBLIC R.O.W)

#### **GUNNISON AVENUE «**

(RECORD 66 FT. 'f>UBUC R.O.W) %

W.

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18 FT. PUBUC ALLEY

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(R) 60175

**50.00** 

traffic flow w. LAWRENCE AVENUE

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#### **LEGEND**

HEREBY VACATED

• ■ FENCE LINES

(R) RECORD (M) MEASURED ROW-RIGHT OF WAY
RECORD LINES UNDERLYING LOTS ■ BOUNDARY LINES
BUILDING HATCH

CDOT# 09-45-21-3960

'GREMLEY &; BIEDERVMN

2020^28426-001

EXHIBIT "A"

# PLAT OF VACATION

#### LEGAL DESCRIPTION:

THAT PART OF W. GUNNISON AVENUE 66 FOOT RIGHT OF WAV LYING SOUTH OF THAT PART OF LOT 46 AND LOTS 47 AND 48 IN BLOCK 6 IN MURRAY'S ADDITION TO JEFFERSON ( ANTE-FIRE); WEST OF THE N. LAMON AVENUE WEST RIGHT OF WAY, NORTH OF AND ADJOINING LOTS 1 AND 2 IN BLOCK 7 IN MURRAY'S ADDITION. TO JEFFERSON (ANTE-FIRE) AND LYING EAST OF AND ADJOINING A LINE 17 FEET, MEASURED AT RIGHT ANGLES, EASTERLY OF SAID EASTERLY RIGHT OF WAY UNE OF CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD ALL IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSH1P40 NORTH, RANGE 13, EAST. OF THE THIRD PRINCIPAL MERIDIAN, TAKEN AS A TRACT AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT. 1 AFORESAID, THENCE NORTH SS DEGREES 39 MINUTES 44 SECONDS WEST ALONG THE SOUTH UNE OF SAID TRACT. 31 :IT FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT; THENCE NORTH 19 DEGREES SI MINUTES 44 SECONDS WEST ALONG THE WESTERLY UNE OF SAID TRACT 70.33 FEET TO A POINT ON THE NORTH UNE OF SAID TRACT; THENCE SOUTH 89 DEGREES 39 MINUTES 44 SECONDS EAST ALONG THE NORTH UNE OF SAID TRACT 54.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 48; THENCE SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST ALONG THE NORTH UNE OF SAID TRACT 54.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 48; THENCE SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST ALONG THE EASTERLY LINE OF SAID TRACT 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.. SAID ABOVE PARCEL CONTAINING 2,843 SQ. FEET, OR 0.07 ACRES, MORE OR LESS.

U4S-426.032-000.0 - LOT 46 13-09-4W-W-6000 = LOTS 47Z 48 PART OF **1**,3-0?^30-049m000« LOTS 1 & 2

CHICAGO DEPARTMENT OF, FINANCE

| File #: | O2021-2859, | Version: | 1 |
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CHICAGO DEPARTMENT OF TRANSPORTATION

COOK COUNTY

SURVEY-PREPARED FOR / CLIENT ft CONTACT:

. 4844 Nortn Umon. LLC 4\*44 N. Lamon Avenue Chicago, Il60690

SURVEYORS NOTES:

SURVEYOR'S LICENSE EXPIRES November 30, 2022 DESIGN FIRM LICENCE EXPIRES APRIL 30, 2023

ZONING C1-1(Neighborhood Commercial Distnct)

FIELD MEASUREMENTS COMPLETED ON DECEMBER 10,2020

Note (R) & (M) denotes Record and Measured distances respectively

Distances ere marked in (eof and decimal parts thereof Compare all points BEFORE building by same and at once roporl ony differences BEFORE damarje tsdone NO dimensions shall be assumed by scale measurement u

Unless otherwise noted hereon the Bearing Basis, Eieva:il used is ASSUMED lordwait Dalum if COPYRIGHT GREMLEY & BIEDERMANN, INC 2020 "All Rig!

CDOT# 09-45-21-3960 y\

For casements, building lines and other restrictions not shown on survc^piot refer to your abstract, deed, contract, title policy-ahd local building line regulations..

State of Illinois) County of Cookjss

We, GREMLEY & BIEDERMANN.jNC hereby certify that we have surveyed the above described properly and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 62' Fahrenheit. This professional; wrvice conforms to the cumani ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY,

Field measurements completed on OECEMBI

Signed on JUNE 9, 2021
Professional Illinois Land Surveyor No.
GREMLEY 4\_BIEDtTRMANN
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2020-28426-001

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#### **Exhibit C**

CITY OF CHICAGO

#### DEPARTMENT OF WATER MANAGEMENT

April 8, 2021

City of Chicago Department of Transportation Division of Infrastructure Management Office of Underground Coordination 2 North LaSalle Street Chicago, Illinois 60602

Attn: Mr. Jai Kalayil

**Coordinator of Street Permits** 

Re: Proposed Vacation Ordinance 45, hWard

For: Domagala-Pierga

Vacation of W. Gunnison Street between N. Lamon Avenue and the railroad tracks to the west

OUC File No. VD-107673 M&P Project No. 09-45-21 -3960 Water Atlas Page 64

Sewer Atlas Page 40-3-52 ' Dear Mr. Kalayil:

This letter is in response to your inquiry concerning the proposed vacation. After reviewing our records, we have determined the following:

#### I) The Department of Water Management - Water Section

There are no water facilities within the limits of the area proposed for vacation. Therefore, the Water Section has no objection to the proposed vacation.

All water services no longer in use must be permanently terminated as part of the proposed development by permit per DWM standards.

For questions regarding water facilities, please contact Andrew McFarland at andrew.mcfarland @ ci tyofchicago.org <a href="http://tyofchicago.org">http://tyofchicago.org</a>.

#### II) The Department of Water Management - Sewer Section

Based on a sewer investigation, there is a 12-inch City sewer on W Gunnison Ave, running east-west from approx. 52.6-feet west of west line of N Lamon Ave to the City's manhole located at the intersection of W Gunnison Ave and N Lamon Ave. This investigation also indicates that the 12-inch sewer is serving both north and south sides of private properties of the area to be vacated along with two City's catch basins located at northwest and southwest corners of W Gunnison Ave and N Lamon Ave and connected into this 12-inch sewer at approx. 18.9-feet east of west line of N Lamon Ave.

Department of Water Management - Sewer Section has a 2021/22 planned sewer project on N Lamon Ave between W Gunnison Ave and W Carmen Ave. Current plans of the DWM sewer

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OUCFile No. VD-107673 April 8, 2021 Page 2 of 2

project, call for both City's catch basins located at northwest and southwest corners of W Gunnison Ave and N Lamon Ave to be eliminated by DWM as part of DWM's project. Once the both catch basin outlets are eliminated the 12-inch sewer will solely be serving the area to be vacated and private properties on both north and south sides of the area to be

vacated, which are owned by beneficiary of the area to be vacated.

To approve the proposed vacation, the beneficiary must assume ownership of the sewer and appurtenances associated with the proposed vacation in two stages. The first stage shall be upon passage and recording of the ordinance and the beneficiary must assume ownership of the sewer and appurtenances along W Gunnison Ave from approx. 52.6-feet west of west line of N Lamon Ave to approx. 18.9-fect east of west line of N Lamon Ave. The second stage will be after DWM's sewer project eliminates both City's catch basins located at northwest and southwest corners of W Gunnison Ave and N Lamon Ave. the beneficiary must assume ownership of the remaining sewer from approx. 18.9-feet east of west line of N Lamon Ave to City's manhole located at the intersection of W Gunnison Ave and N Lamon Ave upon written notice of the completion of the elimination of the catch basins. These sewer facilities will then be the private property of the beneficiary up to the City's manhole located at the intersection of W Gunnison Ave and N Lamon Ave. The beneficiary must assume all liability for these facilities and be responsible for all maintenance and repairs for reuse.

If there are any questions regarding the sewer facilities, contact Sid Osakada at Sid.Osakada@CityofChicago.org <mailto:Sid.Osakada@CityofChicago.org> or Anupam Verma at Anupam.Verma@CityofChicago.org <mailto:Anupam.Verma@CityofChicago.org>.

Very truly yours,

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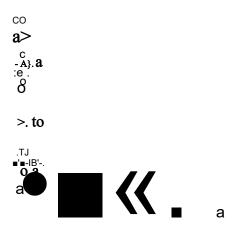
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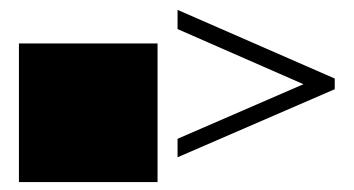
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