

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2013

Reference No.: 2.4a.  
Action Item

From: STEVEN KECK  
Acting Chief Financial Officer

Prepared by: Brent L. Green  
Chief  
Division of Right of Way and  
Land Surveys

Subject: **RESOLUTION OF NECESSITY – APPEARANCE**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21102 summarized on the following page. This Resolution is related to construction of the State Route 11 project in District 11 in San Diego County.

## **ISSUE:**

Prior to initiating Eminent Domain proceedings to acquire needed Right of Way for a programmed project, the Commission must first adopt a Resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. This property is necessary for the proposed project.
4. An offer to acquire the property in compliance with Government Code Section 7267.2 has been made to the owners of record.

In this case, the property owners are contesting the Resolution and have requested an appearance before the Commission. The primary concerns and objections expressed by the property owners relate to project design issues, easement deed terms, and the owners' request for the Department to purchase soil in identified right of way and remainder areas on the subject property in coordination with the owners' pending development plans. The owners' objections and the Department's responses are contained in Attachment B.

**BACKGROUND:**

Discussions have taken place with the property owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of the Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

Discussions have been ongoing between the property owners and the Department to address and resolve the issues. Progress has been made but in order to keep the project schedule, the Department is requesting that this appearance proceed to the October 8, 2013 Commission meeting. Legal possession will allow the construction activities on the parcel to commence, thereby avoiding and/or mitigating considerable right of way delay costs that will accrue if efforts to initiate the condemnation process are not taken immediately.

C-21102 - Makram A. Hanna and Maureen T. Hanna

11-SD-11-PM 1.52 - Parcel 34808-1, 2, 3, 4, 5, 6, 7 - EA 056329.

Right of Way Certification Date: 03/15/13; Ready to List Date: 03/25/13. Freeway – construct new freeway. Authorizes condemnation of land in fee for a State highway, underlying fee, extinguishment of abutter's rights of access, and permanent easements for slope, drainage, and access purposes. Located in the unincorporated area of San Diego County in Otay Mesa at the intersection of Airway Drive and Enrico Fermi Drive. Assessor's Parcel Number: 646-130-27-00.

Attachments:

- Attachment A - Project Information
- Exhibit A1 through A3 - Project Maps
- Attachment B - Parcel Panel Report
- Exhibit B1 through B5 - Parcel Maps

## PROJECT INFORMATION

<b>PROJECT DATA</b>	11-SD-11/905-PM 0.0/1.6, R9.9/R10.7 Expenditure Authorization: 056329/ 11-00002-0519
<u>Location:</u>	Route 11 in Otay Mesa, San Diego County
<u>Limits:</u>	In San Diego County, in and near San Diego from the 11/905 Separation to Enrico Fermi Drive
<u>Cost:</u>	Programmed Construction Cost: \$67,100,000.00 Current Right of Way Cost Estimate: \$31,219,000.00
<u>Funding Source:</u>	Proposition 1B/Trade Corridor Improvement Funds (TCIF) Coordinated Border Infrastructure Funds (CBI)
<u>Number of Lanes:</u>	Existing: Not Applicable Proposed: New 4-Lane Freeway
<u>Proposed Major Features:</u>	Construct Freeway to Freeway Connectors and New Freeway.
<u>Traffic:</u>	Existing: Not Applicable Proposed (2035): 66,000 Annual Daily Traffic (ADT)

## NEED FOR THE PROJECT

The proposed State Route 11 (SR-11) freeway, in addition to a new Commercial Vehicle Enforcement Facility (CVEF) and Federal Port of Entry (POE), are to be constructed in order to reduce congestion and facilitate increased trade and personal travel across the United States-Mexico border in the San Diego-Tijuana area. The capacities of the existing POEs in the region are currently being exceeded, causing delays for commercial and non-commercial vehicles crossing the border. Such delays at the existing Otay Mesa POE have been correlated with economic yearly output losses (direct, indirect, and induced) in the San Diego region of up to \$1.2 billion for the study year 2008. Traffic delays are expected to increase and the economic losses incurred by the regional and national economies would more than double in the next ten years, unless significant improvements in border crossing and transportation infrastructure/management take place. The long-term need for a third regional crossing has been identified by transportation and planning agencies on both sides of the border.

## **PROJECT PLANNING AND LOCATION**

SR-11 will be constructed as a four-lane toll highway. The project is split into three segments. The Hanna subject property is located in Segment 1, which includes a new four-lane highway (approximately 1.7 miles in length) connecting the SR-905/SR-11 interchange to Enrico Fermi Drive.

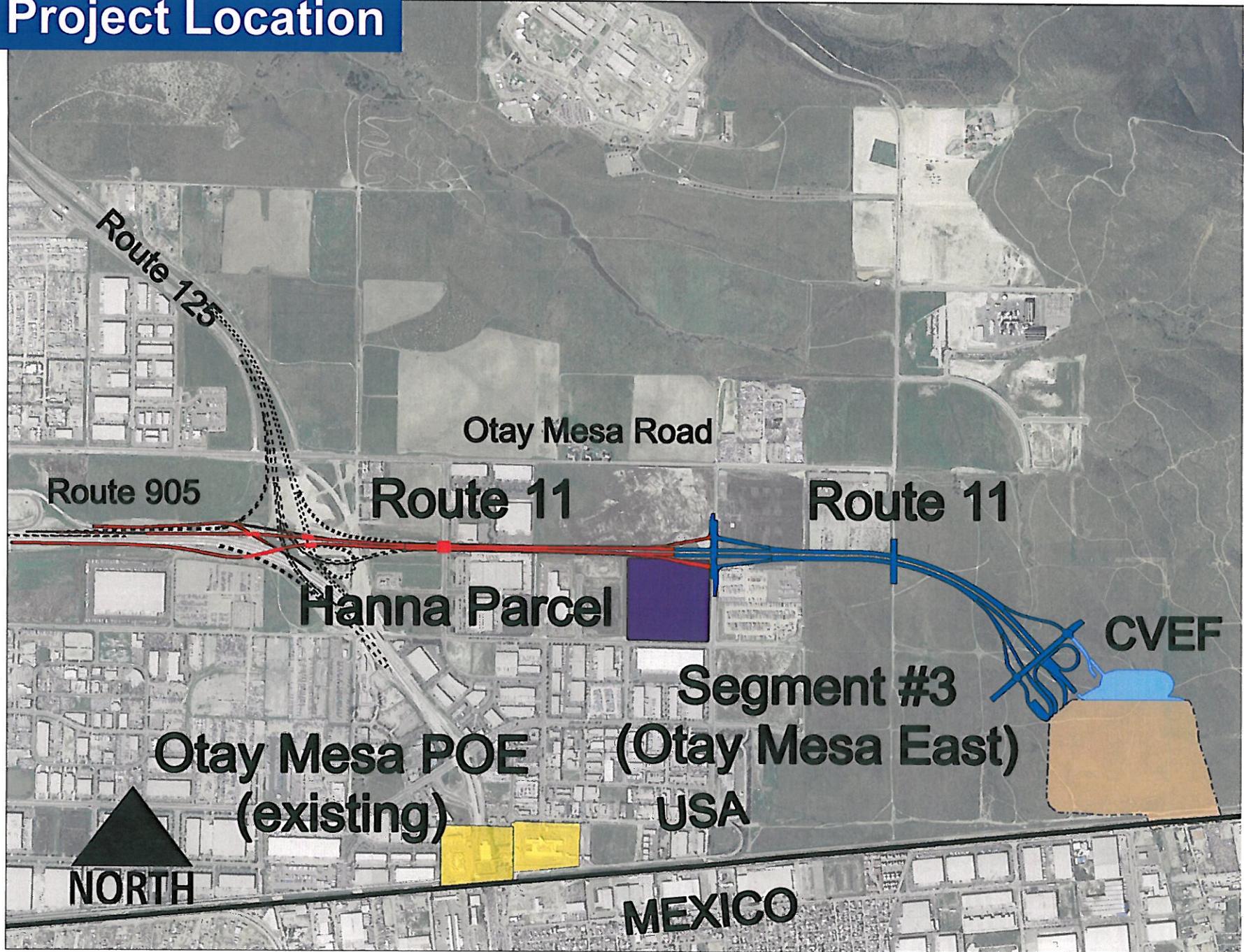
An additional project is in the design phase, which will extend SR-11 easterly from Enrico Fermi Drive to a proposed Otay Mesa East Port of Entry (OME POE) and Commercial Vehicle Enforcement Facility (CVEF) at the United States-Mexico border. This second project is referred to as Segment 2.

The Project Report for SR-11 approved both projects (Segments 1 and 2) proceeding to the design phase. Due to funding and scheduling issues, the SR-11 project was separated into two segments for design and construction phases, however, freeway and ramp geometrics for Segment 1 are designed based on traffic volumes projected for the 2035 Horizon Year with both segments constructed.

Several alternatives were investigated for SR-11 during the Project Approval/Environmental Document stage. These alternatives included One-Interchange, Two-Interchange, and No-Interchange Alternatives, as well as a No-Bid Alternative.

Projected traffic volumes and analysis from the Tier II Traffic Technical Report (dated October 5, 2010) and two Value Analysis (VA) Studies resulted in the choice of the Two-Interchange Alternative with Segment 1 now constructing the portion of the project to Enrico Fermi Drive.

# Project Location



# Project Impact

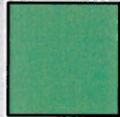
Otay Mesa Road

Route 11

Enrico Fermi Drive

Underlying Fee

(2.32 ac)



Fee

(2.75 ac)



Total Fee Area

(5.07 ac)



Hanna Parcel

(40.73 acres)

(35.65 ac Remainder)

NORTH

Airway Road

Not to Scale

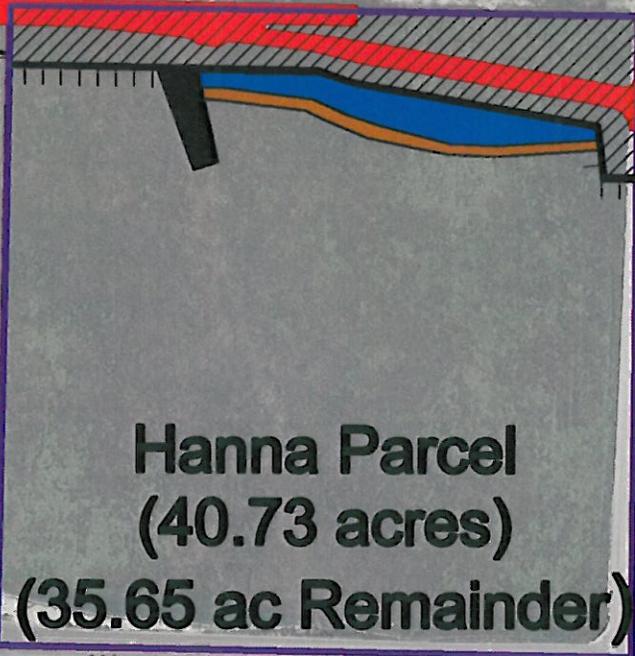
# Project Impact

Otay Mesa Road

Route 11

Enrico Fermi Drive

- Drainage Easement (0.25 ac)
- Slope Easement (0.97 ac)
- Access Easement (0.29 ac)



Hanna Parcel  
(40.73 acres)

(35.65 ac Remainder)



Airway Road

Not to Scale

**PARCEL PANEL REPORT****PARCEL DATA**

<b><u>Property Owner:</u></b>	Makram A. Hanna and Maureen T. Hanna		
<b><u>Parcel Location:</u></b>	Airway Road in Otay Mesa, west of Enrico Fermi Drive Unincorporated San Diego County		
<b><u>Present Use:</u></b>	Vacant Land		
<b><u>Zoning:</u></b>	Light Industrial		
<b><u>Size of Property:</u></b>	40.725 Acres (AC)		
<b><u>Right of Way Areas</u></b>	34808-1:	0.526 AC	Unencumbered Fee
<b><u>Required for Project:</u></b>	34808-2:	2.329 AC	Underlying Fee (Unnamed Road & Enrico Fermi Drive)
	34808-3:	0.736 AC	Access & Utility Easement
	34808-4:	0.202 AC	Road & Utility Easement
	34808-5:	0.253 AC	Access, Construction, Drainage Easement
	34808-6:	0.968 AC	Slope Easement
	34808-7:	0.292 AC	Access Easement

**PARCEL DESCRIPTION**

The vacant, unimproved subject parcel is currently 40.725 AC in size. It is located on Airway Road in Otay Mesa, an unincorporated area of San Diego County, abutting the United States-Mexico Border. The property is currently zoned Light Industrial. The subject parcel has varying topography, with two areas of higher elevation located within the proposed SR-11 project corridor. At present, natural drainage flows across the middle of the subject property in a southeasterly direction. Existing ground elevations on the subject property are up to 30 feet above profile elevations for the proposed SR-11 project.

**NEED FOR SUBJECT PROPERTY**

The SR-11 freeway, in addition to a new Commercial Vehicle Enforcement Facility (CVEF) and Federal Port of Entry (POE) are being constructed to reduce congestion and facilitate increased trade and personal travel across the United States-Mexico border in the San Diego-Tijuana area. The capacities of the existing POEs in the region are currently being exceeded, causing delays for commercial and non-commercial vehicles crossing the border. The long-term need for a third regional border crossing has been identified by transportation and planning agencies on both sides of the border.

Construction of the above-referenced transportation improvements have been split into three segments. The subject parcel is located in Segment 1, which includes new SR-905/SR-11 freeway to freeway connectors and a four-lane SR-11 freeway segment that extends 1.7 miles east to Enrico Fermi Drive.

## **RESOLUTION OF NECESSITY REVIEW PANEL REPORT**

The Condemnation Review Panel (Panel) met in San Diego on August 14, 2013. The Panel members included Donald Grebe, Panel Chair, Department of Transportation-Headquarters Division of Right of Way and Land Surveys; Rene Fletcher, Co-Panel Chair, Department of Transportation-Headquarters Division of Right of Way and Land Surveys; Scott Fridell, Department of Transportation-San Diego Legal Division; Linda Fong, Department of Transportation-Headquarters Division of Design; and Robert Dauffenbach, Department of Transportation-Headquarters Division of Right of Way and Land Surveys, Secretary to the Panel. Mr. Makram Hanna, the property owner, attended and represented himself at the Panel meeting.

This report summarizes the findings of the Panel with regard to the four criteria required for adoption of a Resolution of Necessity and makes a recommendation to the Department's Chief Engineer. The primary concerns and objections expressed by the property owner relate to project design issues, easement deed terms, and the owner's request for the State to purchase soil in identified right of way and remainder areas on the subject property in coordination with the owner's pending development plans.

The following is a description of the concerns expressed by the property owner, followed by the Department's responses:

### **Owner:**

The Department should acquire 140,000 cubic yards of soil located in the currently proposed acquisition areas for the project and an additional 280,000 cubic yards located on the remainder parcel, for a total of 420,000 cubic yards of soil.

### **Department Response:**

The Owners have been offered the appraised fair market value for all required right of way areas necessary to construct the project. As the subject property is currently vacant and unimproved, the sales of comparable industrial properties were used in valuing the required right of way areas on the subject property. Any additional payments, as requested by the owner to purchase soil located within the already-appraised right of way areas, is considered by the Department to be an unwarranted and unsupported duplication of payment.

In addition, the Department has advised the property owner that any sale of soil from the remainder property for construction of the project, if pursued, would be facilitated by separate and independent negotiations between the Highway Contractor and the property owner, with the Department not being a party to said negotiations.

### **Owner:**

The Department did not appropriately coordinate the project, and as a result, development activities could not be initiated by the property owner as planned.

### **Department Response:**

The Department has prepared all necessary and required environmental documents for this project and has provided multiple opportunities for public comment and project review as required by law, and as outlined below:

- As part of the SR-11 environmental review process several letters were sent to area landowners from **2007-2011** notifying them of project scoping activities and public meetings.
- A Permit to Enter to conduct environmental and engineering studies on the subject property was executed by the current property owner on **December 8, 2008**.

- A copy of the SR-11 Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was sent to the owner on **December 1, 2010**, with no returning comments.
- A copy of the SR-11 Final EIR/EIS was sent to the property owner on **April 6, 2012**.
- Right of way appraisal activities, initiated with an on-site field review with the Department's appraiser and the property owner, commenced on **July 11, 2012**.
- Following the **July 11, 2012** appraisal field review meeting, the property owner requested electronic copies of SR-11 design plans. Based on recent "lessons learned" on the nearby SR-125 and SR-905 projects in Otay Mesa, such requests for electronic copies of project design plans were channeled through the County of San Diego.
- The Department subsequently conveyed updated hard copy design plans to the owner on **March 7, 2013**.
- Department representatives met with the owner on **May 1, 2013**. It was at this time that the property owner first presented the Department with his conceptual development plans for the subject property. Said conceptual plans did not have San Diego County approval as of May 1, 2013, and have not yet received County approval, based on the latest information provided to the Department.
- The Department conducted a District Condemnation Evaluation Meeting (DCEM) with the owner on **June 19, 2013**. Following this meeting, Department representatives worked closely with the property owner and his private design consultant in revising the size, type, and shape of required right of way areas and investigating the inclusion of language in the various easement descriptions reserving unto the owner, successors, and assigns, the right to remove said easement encumbrances based on specified requirements.
- After the DCEM, Department representatives met with the owner's design consultant on **July 12, 2013** to address/discuss revisions to the project's design, revised right of way requirements, and modified deed language. The owner's consultant expressed satisfaction with the changes.
- The property owner subsequently requested that the right of way impacts at the west end of the subject parcel also be changed to minimize a jog in the right of way line, that if left unchanged, would impact/reduce the developable building area on the remainder parcel, as per the owner's assertions. As such, the Department revised the project design and related right of way requirements, but in doing so, straightened out the right of way limits by marginally increasing the acquisition requirements in this northwesterly area of the subject property. This nominal increase in right of way area was necessitated by existing topography and project design standards. The owner subsequently advised the Department that he had hoped that the right of way limits could instead be pulled back in this area, thus further reducing right of way impacts. (Reasons why this could not be done were discussed and explained with the owner at the August 14, 2013 Condemnation Panel Review Meeting.)
- On **July 24, 2013** the property owner was sent updated deed language and appraisal maps showing revised right of way requirements.
- A Condemnation Panel Review Meeting (CPRM) was conducted with the property owner in San Diego on **August 14, 2013** (this report summarizes the issues addressed at this meeting).

● Revised right of way maps and legal descriptions were conveyed to the owner via e-mail on **September 6, 2013**.

● The owner submitted a follow-up e-mail, dated **September 9, 2013**, noting his perceptions about the CPRM, the personnel in attendance, and the Department's repeated failures to address and resolve his concerns, etc. On Page 3 of the above e-mail, the owner states "*The third unresolved issue pertains to the unwillingness of Caltrans to permit us to grade our parcel prior to the seizure of the property by eminent domain, or to at least commit to cooperating in the grading of the parcel and the purchase of the excess dirt that is underlying the easement.*" At the August 14, 2013 CPRM, and as has occurred previously, the property owner was advised that it is the Department's position that it will not be negotiating for the purchase of soil in the right of way areas, as the Department's fair market value offer includes the purchase of said soil in the right of way areas. In addition, it was repeatedly reiterated to the owner that until the Department secures an agreement with the owner or legal possession through condemnation activities, he was free to pursue the sale of soil from the right of way areas and/or the remainder property with the highway contractor or anyone else, in order to facilitate his pending development plans and related activities. He was also advised that he could commence grading, excavation, and soil removal activities on the subject property at any time with all appropriate County of San Diego approvals, as again, the Department does not now have any sort of negotiated agreement with the owner, nor legal possession via condemnation action. The Department's position continues to be that any payment for the required right of way, in addition to a separate payment for the soil within those right of way areas and any related costs associated with the purchase, excavation, and removal of soil on the remainder parcel to facilitate the property owner's development plans, is a gift of public funds.

**Owner:**

The proposed acquisition area has a greater impact than required. The Department should provide revocable language in the easement deeds and provide assurances that an encroachment permit will be approved.

**Department Response:**

The Department has repeatedly made efforts to revise right of way requirements where possible in response to the property owner's suggestions, recommendations, and questions related to the necessity for all project requirements and their potential impact on his future development plans for the subject property. Such efforts by the Department have included changing/converting portions of originally-identified fee acquisition areas to a slope easement area with a related access easement and drainage easement, which can be extinguished when their function and necessity are replaced by other facilities at the time of development. Negotiations and discussions regarding specific deed language addressing these issues have been ongoing and continuous over the last several months. Assurances have also been provided to the property owner that when development occurs and the slope, drainage, and access easements are no longer required for the safety, operation, and maintenance of the freeway as their function and necessity have been replaced, an encroachment permit will not be unreasonably delayed or withheld to facilitate the owner's removal of said facilities and the extinguishment of said easements.

The owner has asked for date-specific termination dates for all the easement areas, but the Department cannot agree to this, as removal of said facilities and extinguishment of these easements are contingent on uncertain factors outside the control of the Department, and more specifically, if/when the subject property is developed to a degree where said facilities are no longer necessary.

As noted above, the Department based on information and recommendations conveyed by the owner at the June 19, 2013 DCEM, revised right of way requirements associated with straightening out a jog in the right of way line in the northwesterly area of the subject property to increase net developable area on the remainder parcel.

In addition, based on information and drawings provided by the owner at the August 14, 2013 CPRM, and after subsequent confirmation with the County of San Diego, the Department immediately revised and marginally reduced right of way requirements at the eastern limits of the property abutting Enrico Fermi Drive.

As outlined above, the Department has now identified all necessary project requirements while striving to plan and locate this project in a manner most compatible with the greatest public good and the least private injury on the subject property. The above efforts document the Department's commitment to accommodating the owner's multiple requests to mitigate project impacts where possible, while also ensuring that adequate property rights are acquired for the safety, operation, and maintenance of the SR-11 freeway.

#### **DEPARTMENT'S CONTACTS**

The following contacts have been made with the property owner:

<b>Type of Contact</b>	<b>Number of Contacts</b>
Mailing of information	3
E-Mail of information	4
Telephone contacts	11
Personal / meeting contacts	5

#### **STATUTORY OFFER TO PURCHASE**

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record as required by Government Code Section 7267.2. The property owner has been notified that issues related to compensation are outside the purview of the Commission.

## PANEL RECOMMENDATION

The Panel concludes that the Department's project complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property rights to be condemned are necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2 has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the Commission.

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RENE FLETCHER  
Office of Project Delivery  
Division of Right of Way and Land Surveys  
Co-Panel Chair

I concur with the Panel's recommendation:

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KARLA SUTLIFF  
Chief Engineer

**PERSONS ATTENDING CONDEMNATION PANEL REVIEW MEETING HEARING ON August 14, 2013**

Don Grebe, HQ's Division of Right of Way and Land Surveys, Panel Chair

Rene Fletcher, HQ's Division of Right of Way and Land Surveys, Co-Panel Chair

Scott Fridell, San Diego Legal Office Attorney, Panel Member

Linda Fong, HQ's Division of Design, Panel Member

Robert Dauffenbach, HQ's Division of Right of Way and Land Surveys, Panel Secretary

Makram A. Hanna, Property Owner

Laurie Berman, District 11 Director

Michael Webster, District 11 Design Manager

Nicola Bernard, District 11 TCIF Coordinator

Laura Espinoza, HQ Liaison, Division of Design

Janet Schaffer, Deputy District Director, District 11 Right of Way

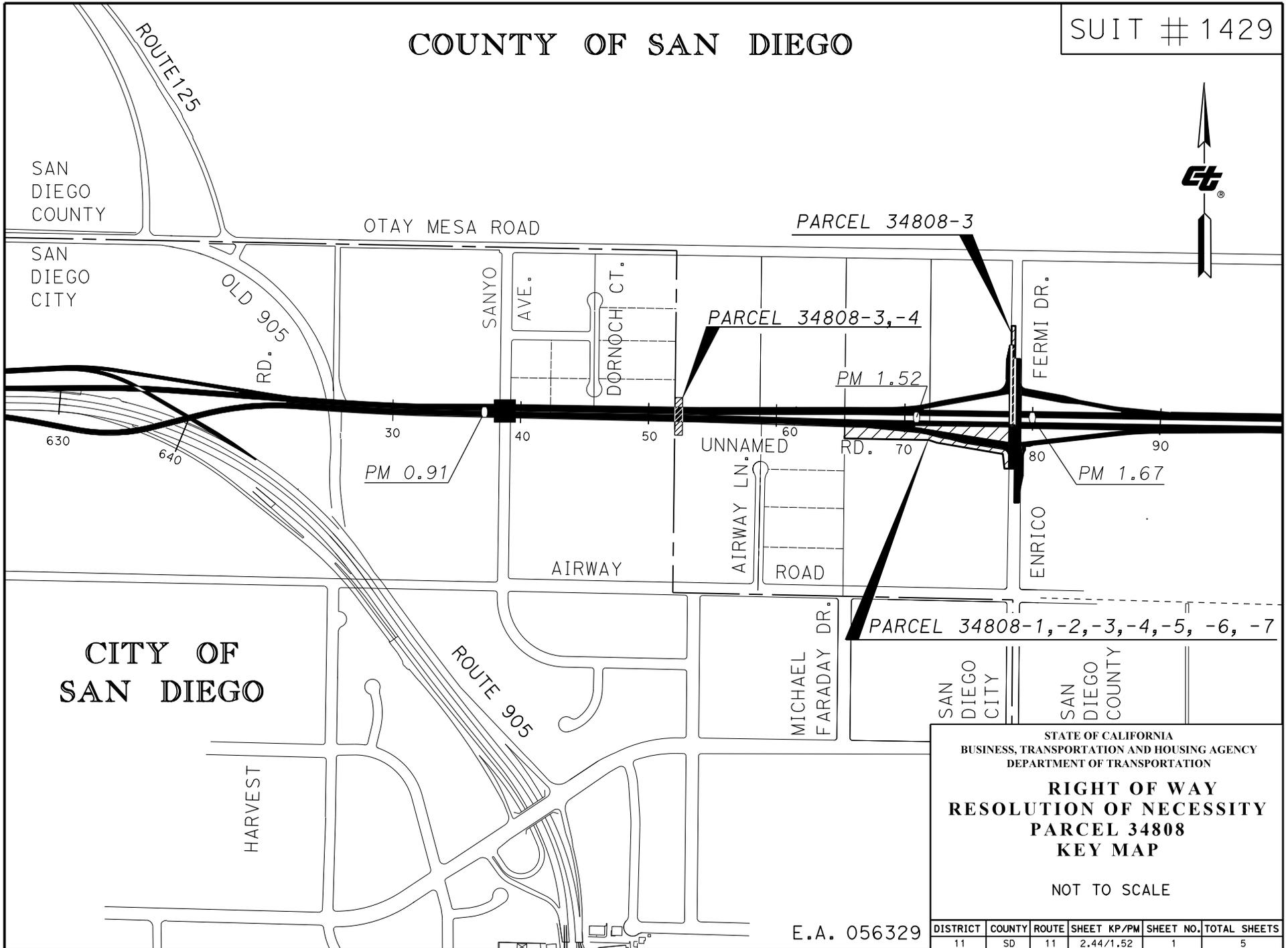
Steve Aragon, Acquisition/Condemnation Branch Chief, District 11 Right of Way

Laura Farah, Associate Right of Way Agent, District 11 Right of Way

# COUNTY OF SAN DIEGO

SUIT # 1429

Exhibit B1



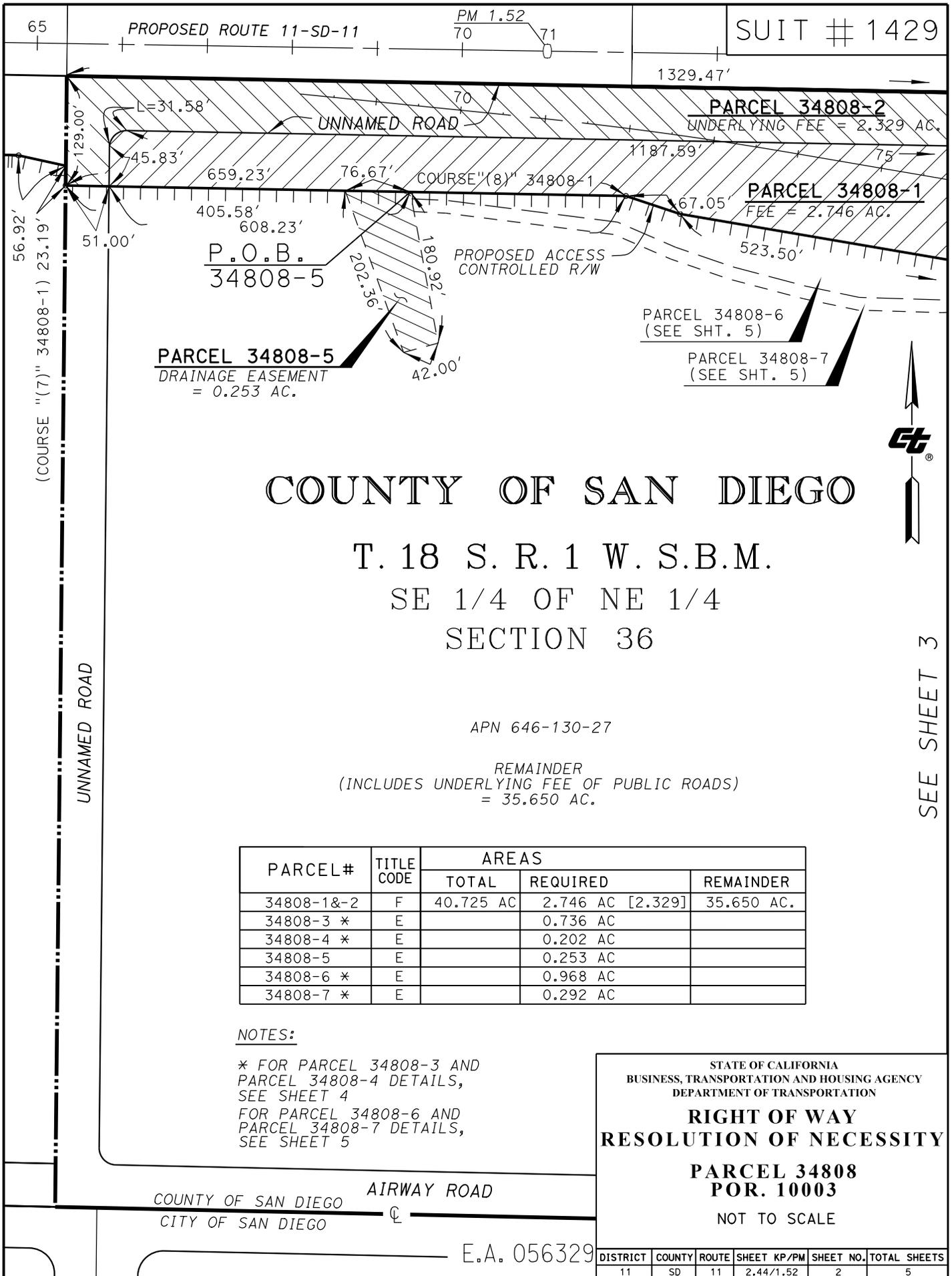
STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
 RESOLUTION OF NECESSITY  
 PARCEL 34808  
 KEY MAP**

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
11	SD	11	2.44/1.52	1	5

E.A. 056329



SUIT # 1429

75 PM 1.59 77  
1329.47' PROPOSED ROUTE 11-SD-11

PARCEL 34808-2  
UNDERLYING FEE

75 1187.59'  
PARCEL 34808-1  
FEE

L=31.22'

80

67.05'

523.50'

PROPOSED ACCESS  
CONTROLLED R/W

PARCEL 34808-6 (SEE SHT. 5)  
PARCEL 34808-7 (SEE SHT. 5)

114.41'

257.92'

25.37'  
76.37'

51.00'



# COUNTY OF SAN DIEGO

T. 18 S. R. 1 W. S.B.M.  
SE 1/4 OF NE 1/4  
SECTION 36

T. 18 S. R. 1 E.  
S.B.M.  
SECTION 31

SEE SHEET 2

APN 646-130-27

REMAINDER

RANGE LINE

ENRICO FERMI DRIVE

AIRWAY ROAD

COUNTY OF  
SAN DIEGO  
CITY OF  
SAN DIEGO

STATE OF CALIFORNIA  
BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
DEPARTMENT OF TRANSPORTATION

## RIGHT OF WAY RESOLUTION OF NECESSITY

PARCEL 34808  
POR. 10003

NOT TO SCALE

E.A. 056329

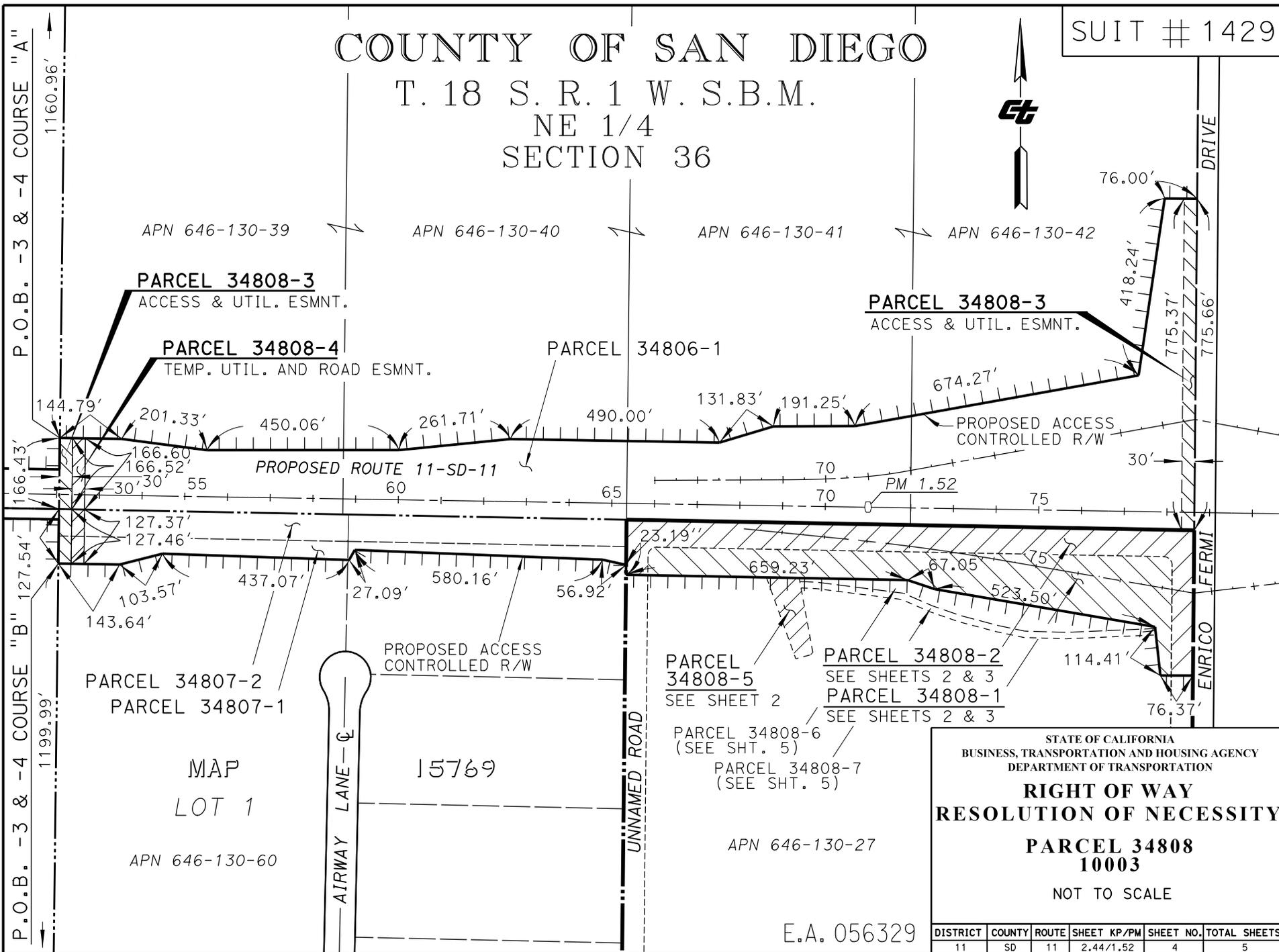
DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
11	SD	11	2.56/1.59	3	5

COUNTY OF SAN DIEGO  
 T. 18 S. R. 1 W. S.B.M.  
 NE 1/4  
 SECTION 36

SUIT # 1429



Exhibit B4



STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY  
 RESOLUTION OF NECESSITY**

**PARCEL 34808  
 10003**

NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
11	SD	11	2.44/1.52	4	5

Exhibit B4

P.O.B. -3 & -4 COURSE "A" 1160.96'

P.O.B. -3 & -4 COURSE "B" 1199.99'

APN 646-130-39      APN 646-130-40      APN 646-130-41      APN 646-130-42

**PARCEL 34808-3**  
 ACCESS & UTIL. ESMNT.

**PARCEL 34808-4**  
 TEMP. UTIL. AND ROAD ESMNT.

**PARCEL 34806-1**

**PARCEL 34808-3**  
 ACCESS & UTIL. ESMNT.

PROPOSED ROUTE 11-SD-11

PARCEL 34807-2  
 PARCEL 34807-1

MAP  
 LOT 1

APN 646-130-60

PROPOSED ACCESS CONTROLLED R/W

PARCEL 34808-5  
 SEE SHEET 2

PARCEL 34808-2  
 SEE SHEETS 2 & 3

PARCEL 34808-1  
 SEE SHEETS 2 & 3

PARCEL 34808-6  
 (SEE SHT. 5)

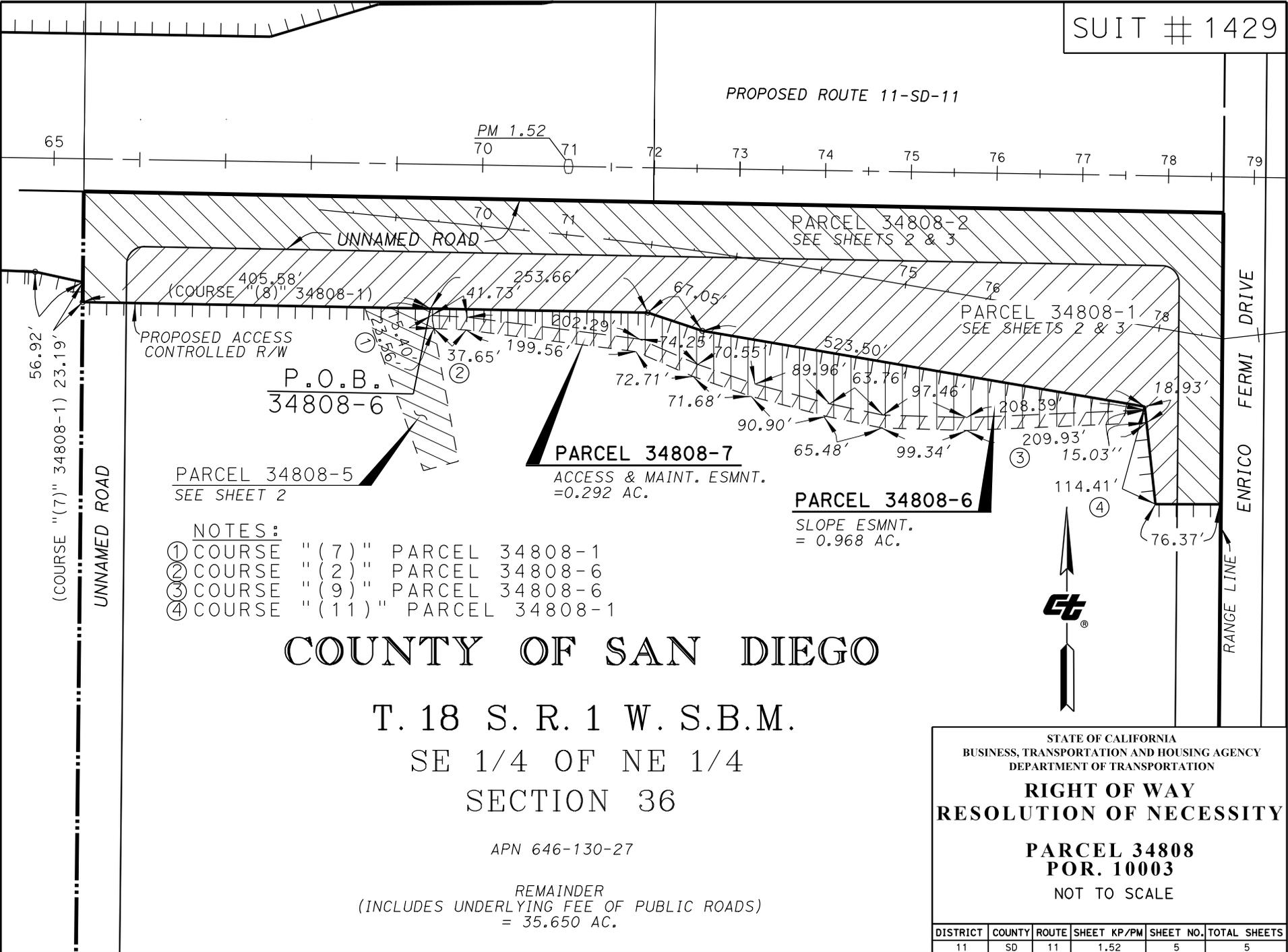
PARCEL 34808-7  
 (SEE SHT. 5)

APN 646-130-27

E.A. 056329

SUIT # 1429

PROPOSED ROUTE 11-SD-11



- NOTES:
- ① COURSE "(7)" PARCEL 34808-1
  - ② COURSE "(2)" PARCEL 34808-6
  - ③ COURSE "(9)" PARCEL 34808-6
  - ④ COURSE "(11)" PARCEL 34808-1

# COUNTY OF SAN DIEGO

T. 18 S. R. 1 W. S.B.M.  
 SE 1/4 OF NE 1/4  
 SECTION 36

APN 646-130-27

REMAINDER  
 (INCLUDES UNDERLYING FEE OF PUBLIC ROADS)  
 = 35.650 AC.

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
 DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
 RESOLUTION OF NECESSITY**

**PARCEL 34808  
 POR. 10003**  
 NOT TO SCALE

DISTRICT	COUNTY	ROUTE	SHEET KP/PM	SHEET NO.	TOTAL SHEETS
11	SD	11	1.52	5	5

Exhibit B5

Exhibit B5