

ORDINANCE NO. 29775

An ordinance providing for the abandonment and relinquishment of portions of drainage, utility and floodway easements, located in City Block A/7748 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Forest Park Flats Partners, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Forest Park Flats Partners, LP, a Delaware limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth. **Now, Therefore**,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2 , plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
WARREN M. S. ERNST
City Attorney

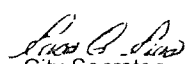
DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
for Assistant Director

APPROVED BY
CITY COUNCIL

JUN 17 2015


City Secretary

DRAINAGE EASEMENT ABANDONMENT

PART OF LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12,
M.J. Sanchez Survey, Abstract No. 1272
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 1

BEING a 5,660 square foot tract of land situated in the M.J. Sanchez Survey, Abstract No. 1272, being part of Lot 2F, Block A/7748, FOREST CENTRAL ADDITION NO. 12, an addition to the City of Dallas, by Final Plat recorded in Instrument Number 201000180724 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 5,660 square foot tract being a part of a tract of land conveyed to Forest Park Flats Partners, LP, by Special Warranty Deed, recorded in Instrument Number 201400279973, (O.P.R.D.C.T.) and being part of a 15 foot drainage easement, created by plat in the FOREST CENTRAL ADDITION NO. 8, an addition to the City of Dallas, recorded in Volume 96230, Page 3413 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a capped iron rod found stamped "WEIR & ASSOC." at the northeast corner of said Lot 2F, Block A/7748, same being the southeast corner of Lot 2E, Block A/7748, of said Forest Central Addition No. 12, said corner also being in the West line of a tract of land conveyed to Dallas Power and Light Company, recorded in Volume 4963, Page 188, (D.R.D.C.T.);

THENCE S03°51'55"E, along East line of said Lot 2F, Block A/7748 and the West line of said Dallas Power and Light Company tract, a distance of 384.39 feet to a point in the north line of said 15 foot drainage easement;

THENCE S85°30'19"W, departing the East line of said Lot 2F, Block A/7748 and along the north line of said 15 foot drainage easement, a distance of 50.21 feet to the POINT OF BEGINNING;

THENCE S03°51'55"E, a distance of 15.00 feet to a point for corner in the south line of said 15 foot drainage easement;

THENCE S85°30'19"W, along the south line of said 15 foot drainage easement, a distance of 282.53 feet to a point for corner at the beginning of a tangent curve to the right, having a radius of 407.50 feet;

THENCE along said tangent curve to the right through an angle of 13°18'30", having an arc distance of 94.65 feet and a chord bearing and distance of N87°50'26"W, 94.44 feet to a point for corner;

THENCE N04°31'50"W, departing the south line of said 15 foot drainage easement, a distance of 15.43 feet to a point for corner in the aforementioned north line of said 15 foot drainage easement, same being a non-tangent curve to the left, having a radius of 392.50 feet;

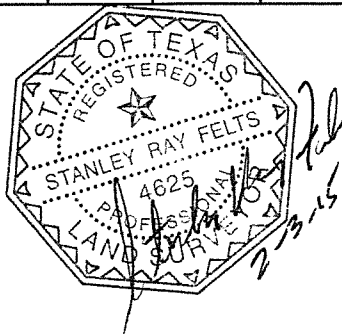
THENCE along said non-tangent curve to the left through an angle of 13°49'42", having an arc distance of 94.73 feet and a chord bearing and distance of S87°34'50"E, 94.50 feet to a point for corner;

THENCE N85°30'19"E, continuing along the north line of said 15 foot drainage easement, a distance of 282.69 feet to the POINT OF BEGINNING and containing 5,660 square feet or 0.1299 acres of land, more or less.

Line Table		
Line #	Direction	Length
L1	S03°51'55"E	15.00
L2	N04°31'50"W	15.43

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	94.65	407.50	13°18'30"	N87°50'26"W	94.44
C2	94.73	392.50	13°49'42"	S87°34'50"E	94.50

(For SPRG use only)
Reviewed by: JD
Date: 2/4/2015
SPRG NO.: 3144



BROCKETTE · DAVIS · DRAKE , inc.
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Civil & Structural Engineering · Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3847, fax (214) 824-7064

BASIS OF BEARING:
Bearings are based upon the East line of LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, (S 03°51'55" E), an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201000180724, Official Public Records, Dallas County, Texas.

DRAINAGE EASEMENT ABANDONMENT

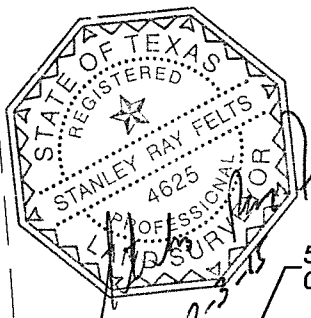
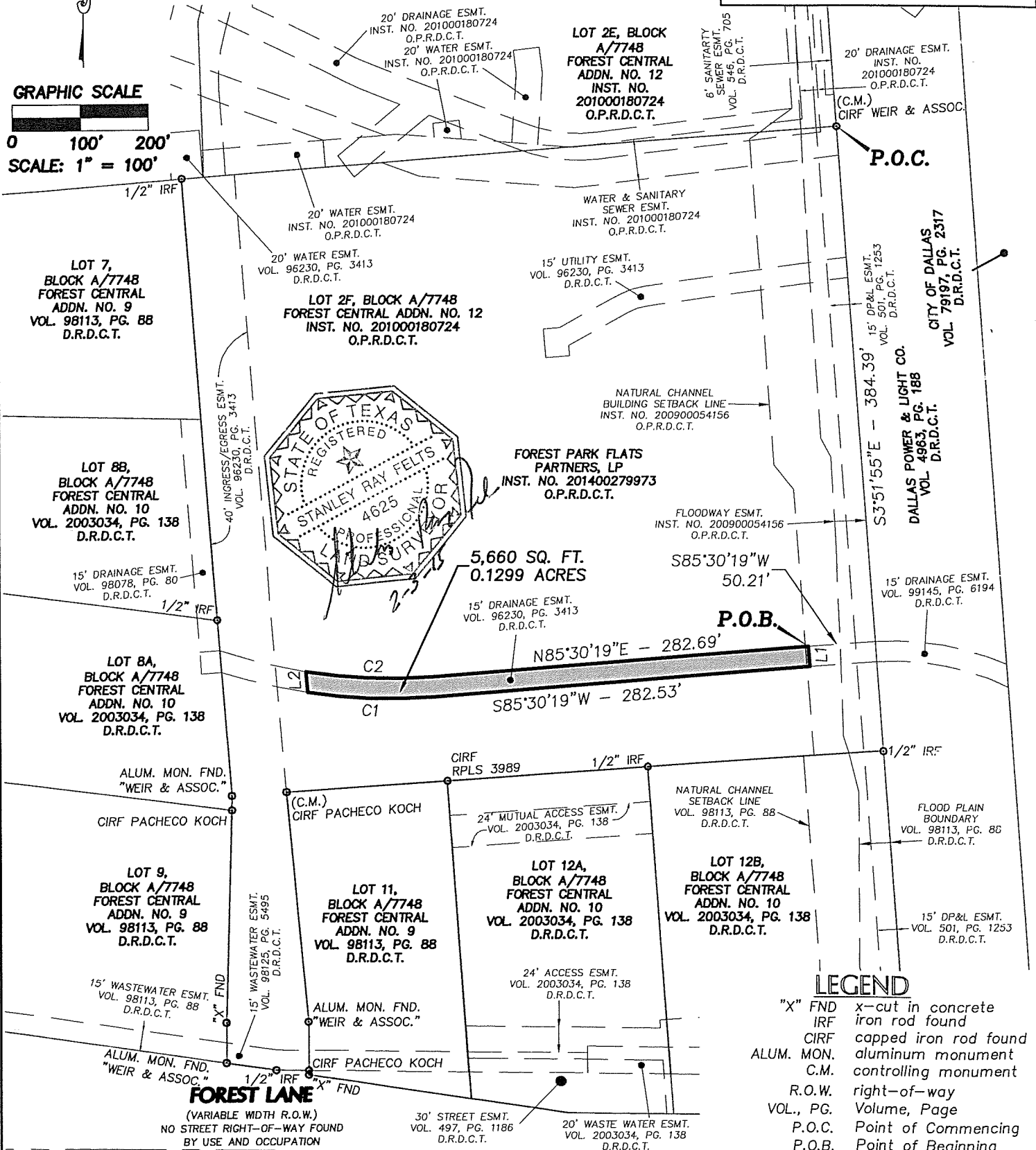
(For SPRG use only)

PART OF LOT 2F, BLOCK A/7748,
FOREST CENTRAL ADDITION NO. 12,
M.J. Sanchez Survey, Abstract No. 1272
City of Dallas, Dallas County, Texas

Reviewed by: JD
Date: 2/4/2015
SPRG NO.: 3144

GRAPHIC SCALE

0 100' 200'
SCALE: 1" = 100'



5,660 SQ. FT.
0.1299 ACRES

P.O.B.

P.O.C.

LEGEND

- "X" FND x-cut in concrete
- IRF iron rod found
- CIRF capped iron rod found
- ALUM. MON. aluminum monument
- C.M. controlling monument
- R.O.W. right-of-way
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- ESMT. Easement
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas

BASIS OF BEARING:
Bearings are based upon the East line of LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, (S 03°51'55" E), an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201000180724, Official Public Records, Dallas County, Texas.

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UTILITY EASEMENT ABANDONMENT

PART OF LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, M.J. Sanchez Survey, Abstract No. 1272 City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 2

BEING a 3,667 square foot tract of land situated in the M.J. Sanchez Survey, Abstract No. 1272, being part of Lot 2F, Block A/7748, FOREST CENTRAL ADDITION NO. 12, an addition to the City of Dallas, by Final Plat recorded in Instrument Number 201000180724 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) said 3,667 square foot tract being a part of a tract of land conveyed to Forest Park Flats Partners, LP, by Special Warranty Deed recorded in Instrument Number 201400279973, (O.P.R.D.C.T.) and being all of a 15 foot utility easement, created by plat in the FOREST CENTRAL ADDITION NO. 8, an addition to the City of Dallas, recorded in Volume 96230, Page 3413 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a capped iron rod found stamped "WEIR & ASSOC." at the northeast corner of said Lot 2F, Block A/7748, same being the southeast corner of Lot 2E, Block A/7748, of said Forest Central Addition No. 12, said corner also being in the West line of a tract of land conveyed to Dallas Power and Light Company, recorded in Volume 4963, Page 188, (D.R.D.C.T.);

THENCE S03°51'55"E, along East line of said Lot 2F, Block A/7748 and the West line of said Dallas Power and Light Company tract, a distance of 97.78 feet to a point in the northwest line of said 15 foot utility easement and the POINT OF BEGINNING;

THENCE S03°51'55"E, continuing along the East line of said Lot 2F, Block A/7748 and along the West line of said Dallas Power and Light Company tract, a distance of 15.04 feet to a point for the southeast corner of said 15 foot utility easement;

THENCE S81°50'54"W, along the southeast line of said 15 foot drainage easement a distance of 151.80 feet to the beginning of a tangent curve to the left, having a radius of 42.50;

THENCE along said tangent curve to the left through an angle of 20°27'04", having an arc distance of 15.17 feet and a chord bearing and distance of S71°37'22"W, 15.09 feet to a point for corner;

THENCE S61°23'50"W, a distance of 51.30 feet to a point for corner;

THENCE S04°31'50"E, a distance of 7.61 feet to a point for corner;

THENCE S85°28'10"W, a distance of 18.00 feet to a point for corner;

THENCE N04°31'50"W, a distance of 21.50 feet to a point for corner;

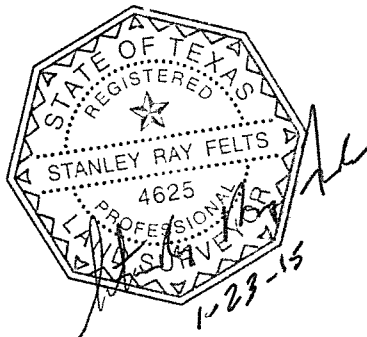
THENCE N85°28'10"E, a distance of 12.33 feet to a point for corner;

THENCE N61°23'50"E, a distance of 50.81 feet to the beginning of a tangent curve to the right, having a radius of 57.50 feet;

THENCE along said tangent curve to the right through an angle of 20°27'04", having an arc distance of 20.52 feet and a chord bearing and distance of N71°37'22"E, 20.42 feet to a point for corner;

THENCE N81°50'54"E, a distance of 152.92 feet to the POINT OF BEGINNING and containing 3,667 square feet or 0.0842 acres of land, more or less.

(For SPRG use only) Reviewed by: JD Date: 2/4/2015 SPRG NO.: 3147

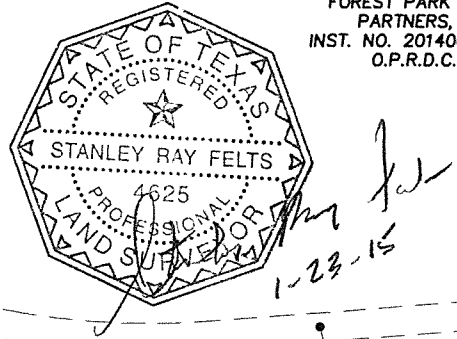
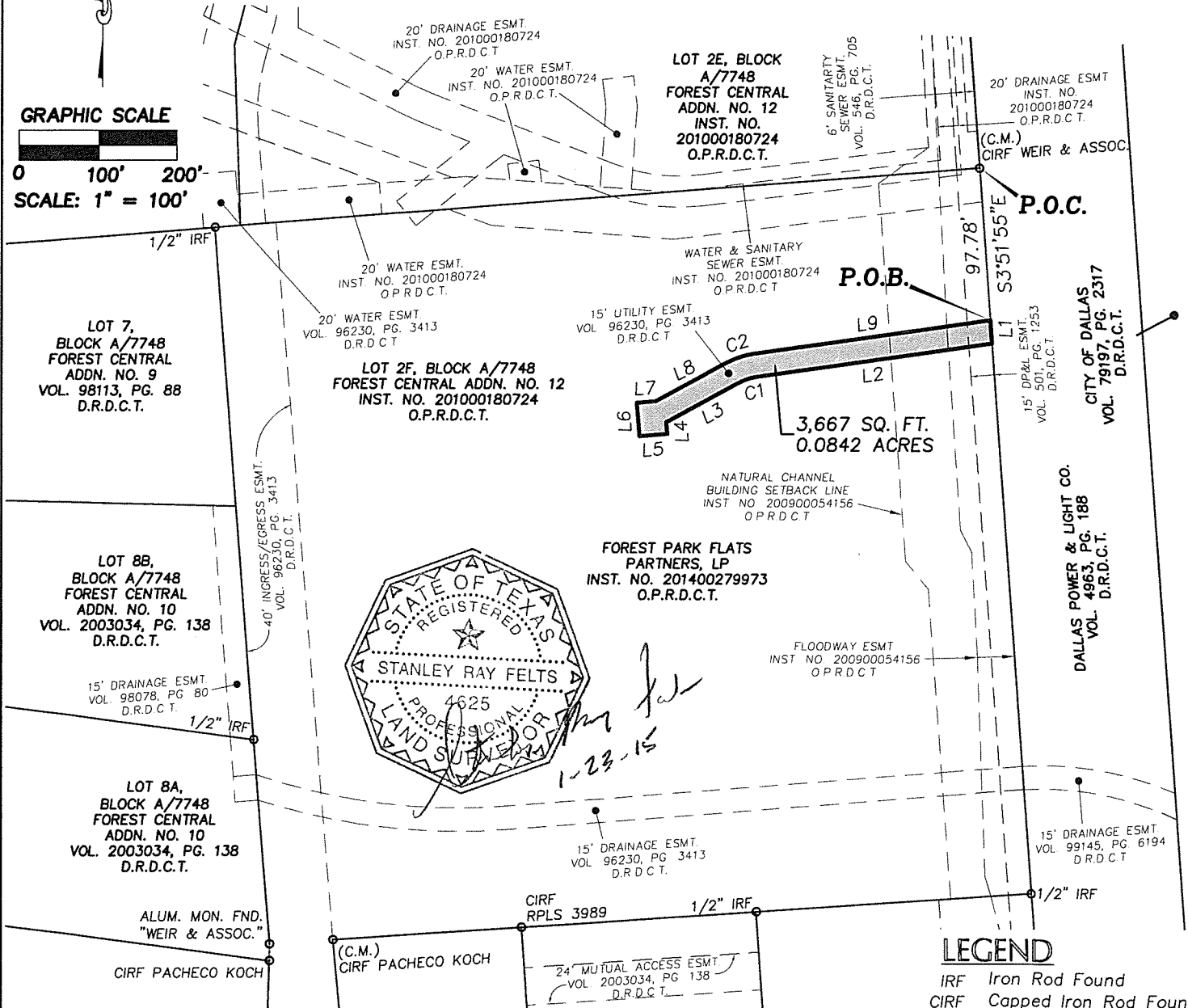
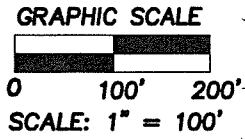


BASIS OF BEARING: Bearings are based upon the East line of LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, (S 03°51'55" E), an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201000180724, Official Public Records, Dallas County, Texas.

BROCKETTE DAVIS DRAKE, inc. consulting engineers Civil & Structural Engineering Surveying 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204 (214)824-3647, fax (214) 824-7064

UTILITY EASEMENT ABANDONMENT

**PART OF LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12,
M.J. Sanchez Survey, Abstract No. 1272
City of Dallas, Dallas County, Texas**



LEGEND

- IRF Iron Rod Found
- CIRF Capped Iron Rod Found
- C.M. Controlling Monument
- R.O.W. Right-Of-Way
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- ESMT. Easement
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas

Line Table		
Line #	Direction	Length
L1	S03°51'55"E	15.04
L2	S81°50'54"W	151.80
L3	S61°23'50"W	51.30

Line Table		
Line #	Direction	Length
L4	S04°31'50"E	7.61
L5	S85°28'10"W	18.00
L6	N04°31'50"W	21.50

Line Table		
Line #	Direction	Length
L7	N85°28'10"E	12.33
L8	N61°23'50"E	50.81
L9	N81°50'54"E	152.92

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	15.17	42.50	20°27'04"	S71°37'22"W	15.09
C2	20.52	57.50	20°27'04"	N71°37'22"E	20.42

(For SPRG use only)
 Reviewed by: JD
 Date: 2/4/2015
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BASIS OF BEARING:
 Bearings are based upon the East line of LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, (S 03°51'55" E), an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201000180724, Official Public Records, Dallas County, Texas.

FLOODWAY EASEMENT ABANDONMENT

PART OF LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, AND
PART OF LOT 12B, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 10,
M.J. Sanchez Survey, Abstract No. 1272
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 3

BEING a 17,497 square foot tract of land situated in the M.J. Sanchez Survey, Abstract No. 1272, being part of Lot 2F, Block A/7748, FOREST CENTRAL ADDITION NO. 12, an addition to the City of Dallas, by Final Plat recorded in Instrument Number 201000180724 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and part of Lot 12B, Block A/7748, FOREST CENTRAL ADDITION NO. 10, an addition to the City of Dallas, by Final Plat recorded in Volume 2003034, Page 138 (D.R.D.C.T.) said 17,658 square foot tract being part of a tract of land conveyed to Forest Park Flats Partners, LP by Special Warranty Deed, recorded in Instrument Number 201400279973, (O.P.R.D.C.T.), and also being a portion of that floodplain easement, as depicted and created in the Final Plat of the FOREST CENTRAL ADDITION NO. 11, an addition to the City of Dallas, recorded in Instrument Number 200900054156 (O.P.R.D.C.T.) and all of that floodplain easement as depicted and created in the Corrected Plat of FOREST CENTRAL NO. 9, an addition to the City of Dallas, recorded in Volume 98113, Page 88 (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a capped iron rod found stamped "WEIR & ASSOC." at the northeast corner of said Lot 2F, Block A/7748, same being the southeast corner of Lot 2E, Block A/7748, of said Forest Central Addition No. 12, said corner also being in the West line of a tract of land conveyed to Dallas Power and Light Company, recorded in Volume 4963, Page 188, (D.R.D.C.T.);

THENCE S03°51'55"E, along East line of said Lot 2F, Block A/7748 and the West line of said Dallas Power and Light Company tract, passing at a distance of 446.14 feet a 1/2-inch iron rod found for the southeast corner of said Lot 2F, same being the northeast corner of said Lot 12B, continuing for a total distance of 641.38 feet to a point corner;

THENCE S02°20'45"W, continuing along the East line of said Lot 12B, Block A/7748 and along the West line of said Dallas Power and Light Company tract, a distance of 43.10 feet to a point for the South corner of said floodplain easement;

THENCE N27°45'01"W, departing the East line of said Lot 12B, Block A/7748 and along the West line of said floodplain easement, a distance of 63.84 feet to a point for corner;

THENCE N00°16'33"E, a distance of 130.42 feet to a point for corner;

THENCE N13°45'18"W, a distance of 30.08 feet to a point for corner;

THENCE N16°45'19"W, a distance of 13.21 feet to a aluminum floodway monument found for corner;

THENCE N01°41'32"W, a distance of 142.19 feet to a aluminum floodway monument found for corner;

THENCE N02°55'03"E, a distance of 65.87 feet to a aluminum floodway monument found for corner;

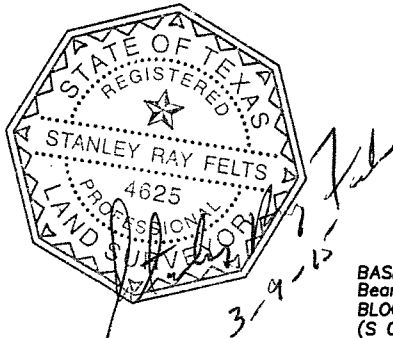
THENCE N26°52'32"W, a distance of 15.65 feet to a aluminum floodway monument found for corner;

THENCE N03°39'03"W, a distance of 129.98 feet to a aluminum floodway monument found for corner;

THENCE N02°50'38"W, a distance of 100.63 feet to a point for corner;

THENCE N85°28'10"E, a distance of 26.56 feet to the POINT OF BEGINNING and containing 17,497 square feet or 0.4017 acres of land, more or less.

(For SPRG use only)
Reviewed by: JD
Date: 3/10/2015
SPRG NO.: 3148



BASIS OF BEARING:
Bearings are based upon the East line of LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, (S 03°51'55" E), an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201000180724, Official Public Records, Dallas County, Texas.

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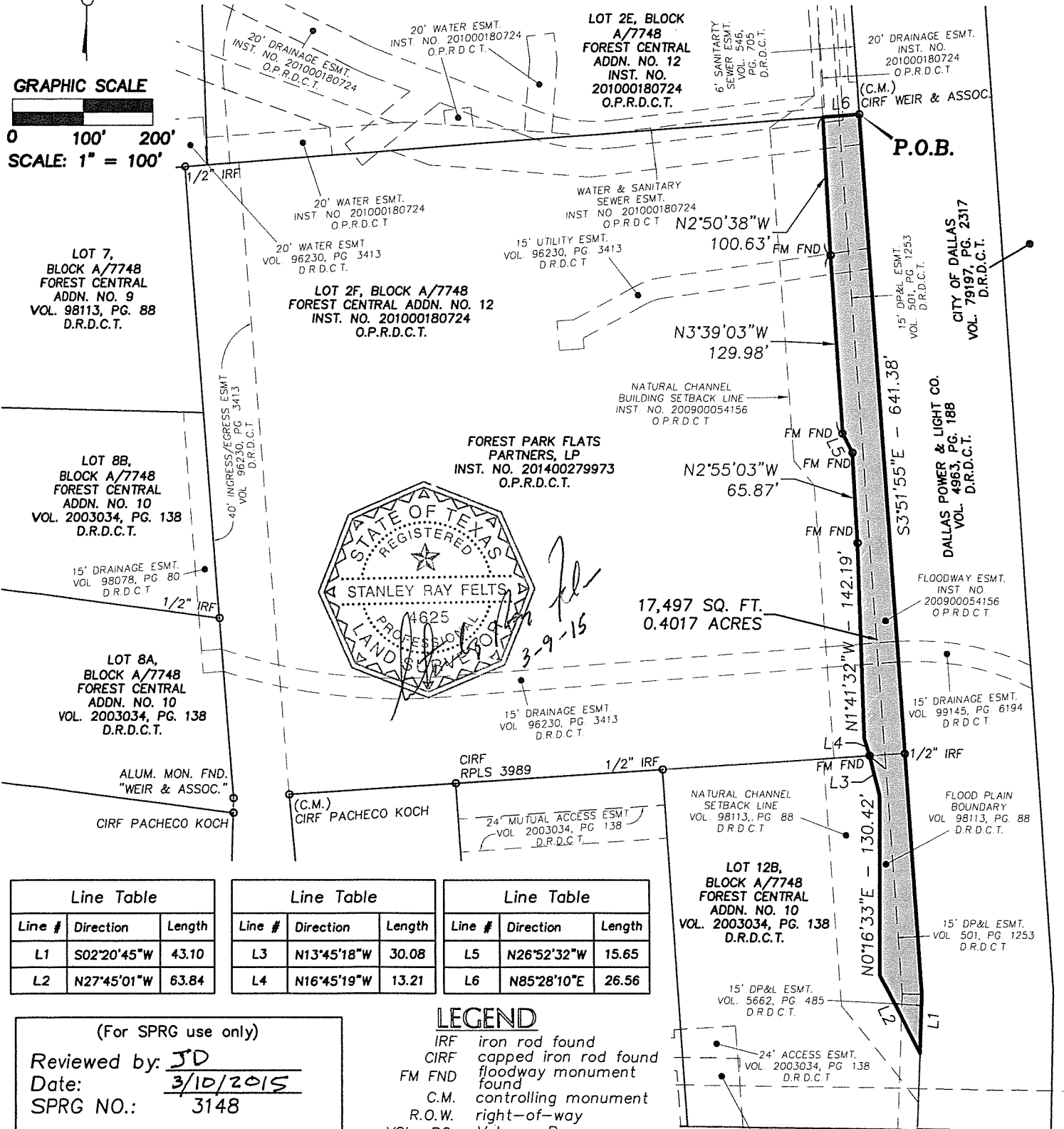
FLOODWAY EASEMENT ABANDONMENT

PART OF LOT 2F, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 12, AND PART OF LOT 12B, BLOCK A/7748, FOREST CENTRAL ADDITION NO. 10, MJ. Sanchez Survey, Abstract No. 1272 City of Dallas, Dallas County, Texas

GRAPHIC SCALE



SCALE: 1" = 100'



Line Table		
Line #	Direction	Length
L1	S02°20'45"W	43.10
L2	N27°45'01"W	63.84

Line Table		
Line #	Direction	Length
L3	N13°45'18"W	30.08
L4	N16°45'19"W	13.21

Line Table		
Line #	Direction	Length
L5	N26°52'32"W	15.65
L6	N85°28'10"E	26.56

(For SPRG use only)
 Reviewed by: JD
 Date: 3/10/2015
 SPRG NO.: 3148

LEGEND

- IRF iron rod found
- CIRF capped iron rod found
- FM FND floodway monument found
- C.M. controlling monument
- R.O.W. right-of-way
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- ESMT. Easement
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
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BASIS OF BEARING:
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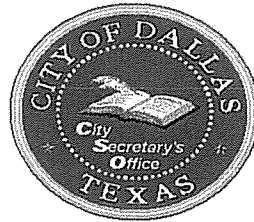
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consulting engineers

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 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
 (214) 824-3647, fax (214) 824-7064

MARCH, 2015

SHEET 2 OF 2

C14033



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 17 2015

ORDINANCE NUMBER 29775

DATE PUBLISHED JUN 20 2015

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose G. Liss".