

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: FEBRUARY 25, 2013 AGENDA ITEM NUMBER: 6-A&B

- SUBJECT:**
- A. RESOLUTION DECLINING THE FIRST OPPORTUNITY TO OBTAIN PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND APPROVING THE CONSIDERATION IN THE PROPOSED EXCHANGE OF REAL PROPERTY BETWEEN WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND DARRYL HELGESEN (ZONE 1 ELEMENTARY SCHOOL RIGHT OF WAY)**

 - B. RESOLUTION DECLINING THE FIRST OPPORTUNITY TO OBTAIN PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND APPROVING THE CONSIDERATION IN THE PROPOSED EXCHANGE OF REAL PROPERTY BETWEEN WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND GARY PEAK (ZONE 1 ELEMENTARY SCHOOL RIGHT OF WAY)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Kimberly Watts, Jr.* DATE: February 20, 2013
COUNTY MANAGER

**RESOLUTION DECLINING THE FIRST OPPORTUNITY TO
OBTAIN PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH
COUNTY BOARD OF EDUCATION AND APPROVING
THE CONSIDERATION IN THE PROPOSED EXCHANGE OF
REAL PROPERTY BETWEEN WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION AND DARRYL HELGESEN
(ZONE 1 ELEMENTARY SCHOOL RIGHT OF WAY)**

WHEREAS, the Winston-Salem/Forsyth County Board of Education proposes to exchange with Darryl Helgesen comparable small parcels of property to complete the Zone 1 Elementary School right of way acquisition for necessary road improvements to Motsinger Drive for safer school entry; and

WHEREAS, the proposed exchange will consist of exchanging +/- 0.120 acres (PIN 6865-23-8760) owned by Darryl Helgesen located adjacent to the Zone 1 Elementary School property for +/- 0.1293 acres of property described as Parcel 42-A, which is a portion of PIN 6865-23-8869, currently owned by the Board of Education, which property is unnecessary and unsuitable for public school purposes; and

WHEREAS, N.C.G.S. 115C-518 provides that the Board of Education, holding title to any real property, which is no longer suitable or necessary for public school purposes, and proposing to dispose of said property, shall afford the Board of County Commissioners for the county in which the property is located the first opportunity to obtain the property by offering the property to the Board of County Commissioners at a fair market price or at a price negotiated between the two boards; and

WHEREAS, the provisions of N.C.G.S. 115C-426(f) require the approval by the Board of County Commissioners as to the amount to be spent by the Board of Education for school sites prior to the execution of a contract by the Board of Education for the purchase of a site or the expenditure of funds therefor; and

WHEREAS, the Winston-Salem/Forsyth County Board of Education is considering adopting a Resolution approving the above-described exchange of property, subject to the Forsyth County Board of Commissioners declining the first opportunity to obtain the parcel of property currently owned by the Board of Education pursuant to the provisions of N.C.G.S. 115C-518 and further subject to the Board of County Commissioners approving the consideration to be received by the Board of Education for the proposed exchange of real property pursuant to N.C.G.S. 115C-426(f); and

WHEREAS, the Forsyth County Board of Commissioners has no County purpose for which to acquire the above described parcel of real property from the Winston-Salem/Forsyth County Board of Education; and the Board of County Commissioners further finds the consideration offered by the said Board of Education to acquire the parcel by exchange to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-518, the Forsyth County Board of Commissioners hereby declines the opportunity to purchase +/- 0.1293 acre of property described as Parcel 42-A, which is a portion of PIN 6865-23-8869 as offered by the Winston-Salem/Forsyth County Board of Education to complete the Zone 1 Elementary School right of way acquisition for the necessary road improvements to Motsinger Drive for safer school entry.

BE IT FURTHER RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-426, the Forsyth County Board of Commissioners hereby approves the consideration in the proposed exchange of real property as described herein between the Winston-Salem/Forsyth County Board of Education and Darryl Helgesen.

Adopted this the 25th day of February 2013.

**RESOLUTION DECLINING THE FIRST OPPORTUNITY TO
OBTAIN PROPERTY AS OFFERED BY THE WINSTON-SALEM/FORSYTH
COUNTY BOARD OF EDUCATION AND APPROVING
THE CONSIDERATION IN THE PROPOSED EXCHANGE OF
REAL PROPERTY BETWEEN WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION AND GARY PEAK
(ZONE 1 ELEMENTARY SCHOOL RIGHT OF WAY)**

WHEREAS, the Winston-Salem/Forsyth County Board of Education proposes to exchange with Gary Peak comparable small parcels of property to complete the Zone 1 Elementary School right of way acquisition for necessary road improvements to Motsinger Drive for safer school entry; and

WHEREAS, the proposed exchange will consist of exchanging +/- 0.105 acres (PIN 6865-23-7752) owned by Gary Peak located adjacent to the Zone 1 Elementary School property for +/- 0.1293 acres of property described as Parcel 17-A, which is a portion of PIN 6865-23-8869, currently owned by the Board of Education, which property is unnecessary and unsuitable for public school purposes; and

WHEREAS, N.C.G.S. 115C-518 provides that the Board of Education, holding title to any real property, which is no longer suitable or necessary for public school purposes, and proposing to dispose of said property, shall afford the Board of County Commissioners for the county in which the property is located the first opportunity to obtain the property by offering the property to the Board of County Commissioners at a fair market price or at a price negotiated between the two boards; and

WHEREAS, the provisions of N.C.G.S. 115C-426(f) require the approval by the Board of County Commissioners as to the amount to be spent by the Board of Education for school sites prior to the execution of a contract by the Board of Education for the purchase of a site or the expenditure of funds therefor; and

WHEREAS, the Winston-Salem/Forsyth County Board of Education is considering adopting a Resolution approving the above-described exchange of property, subject to the Forsyth County Board of Commissioners declining the first opportunity to obtain the parcel of property currently owned by the Board of Education pursuant to the provisions of N.C.G.S. 115C-518 and further subject to the Board of County Commissioners approving the consideration to be received by the Board of Education for the proposed exchange of real property pursuant to N.C.G.S. 115C-426(f); and

WHEREAS, the Forsyth County Board of Commissioners has no County purpose for which to acquire the above described parcel of real property from the Winston-Salem/Forsyth County Board of Education; and the Board of County Commissioners further finds the consideration offered by the said Board of Education to acquire the parcel by exchange to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-518, the Forsyth County Board of Commissioners hereby declines the opportunity to purchase +/- 0.1293 acre of property described as Parcel 17-A, which is a portion of PIN 6865-23-8869 as offered by the Winston-Salem/Forsyth County Board of Education to complete the Zone 1 Elementary School right of way acquisition for the necessary road improvements to Motsinger Drive for safer school entry.

BE IT FURTHER RESOLVED, that pursuant to the provisions of N.C.G.S. 115C-426, the Forsyth County Board of Commissioners hereby approves the consideration in the proposed exchange of real property as described herein between the Winston-Salem/Forsyth County Board of Education and Gary Peak.

Adopted this the 25th day of February 2013.



Winston-Salem/Forsyth County Schools
P.O. Box 2513
Winston-Salem, NC 27102-2513
(336) 727-2816 Fax(336) 727-2008
website: wsfcs.k12.nc.us

January 28, 2012

Mr. Dudley Watts, Jr.
County Manager
201 North Chestnut Street
Winston-Salem, NC 27101

Re: Zone 1 Elementary School Site
Land Swap

Dear Mr. Watts:

Attached is the agenda page from the Winston-Salem/Forsyth County Schools BOE meeting dated January 15, 2012, describing a land exchange as shown below: The attached map illustrates the exchange of properties.

1. The first parcel is a swap between the WS/FCS and Darryl Helgesen.
2. The second is a swap between the WS/FCS and Gary Peak.

The Winston-Salem/Forsyth County Board of Education approved the swap of these two parcels totaling 0.2586 +/- acres. The Board of Education request that the Forsyth County Board of Commissioners provide a "Resolution Declining First Opportunity to Obtain Property as Offered by the Winston-Salem/Forsyth County Board of Education and Approving the Consideration in the Exchange of Real Property between the Board of Education and Darryl Helgesen and Gary Peak. (The land was required to complete the right of way acquisition for the necessary road improvements to Motsinger Drive for the safer school entry).

Board of Education

Donny C. Lambeth, Chair
A.L. (Buddy) Collins
John Davenport, Jr.
Jane D. Goins
Victor Johnson, Jr.
Jeannie A. Metcalf
Elisabeth Motsinger
Marilyn A. Parker
Jill A. Tackbery

Donald L. Martin, Jr.
Superintendent

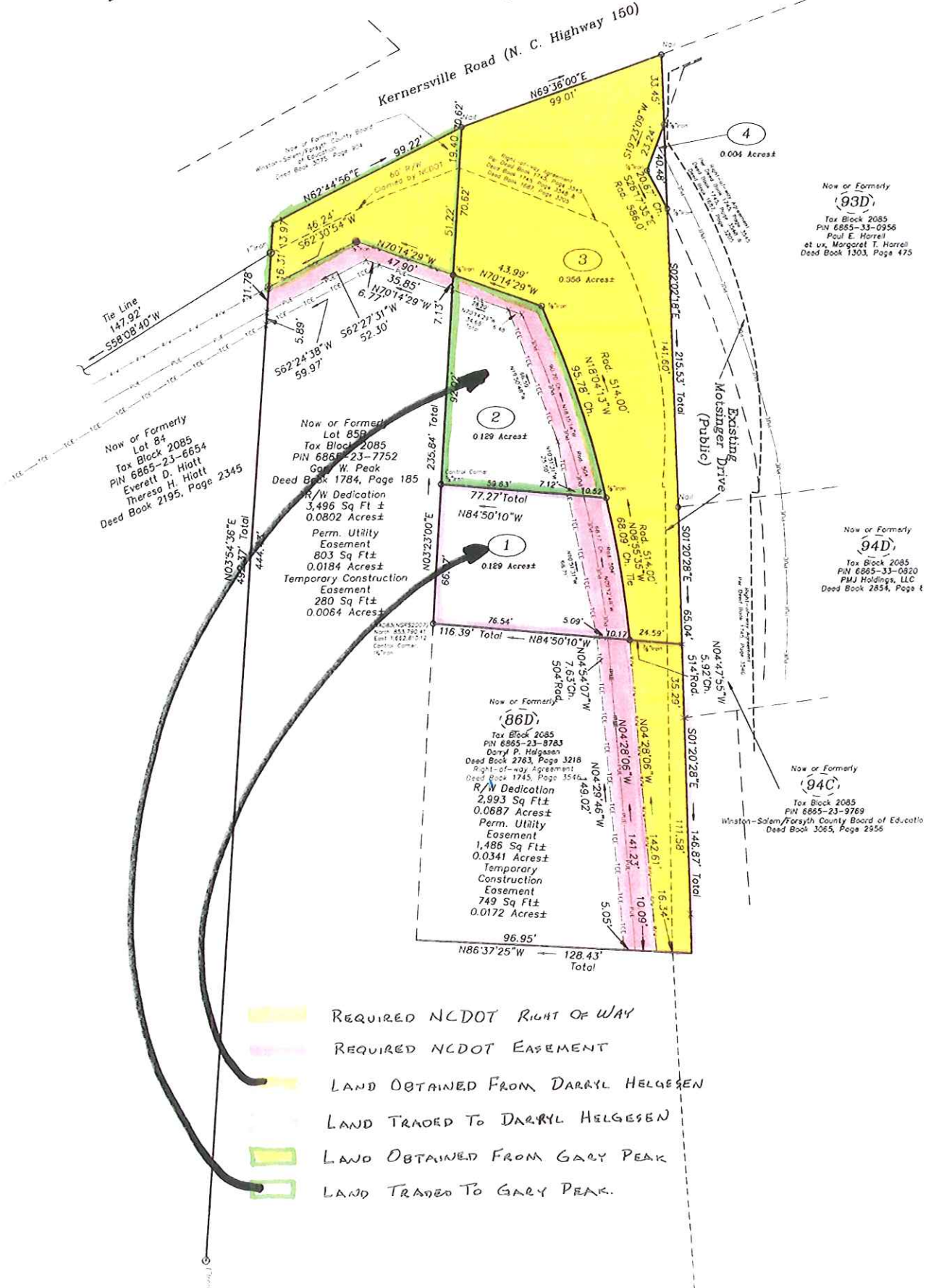
Please advise if any further information is needed.

Sincerely,

Darrell W. Walker
Assistant Superintendent for Operations

Enclosures

Preliminary: NOT for Recordation, Conveyances or Sales.



WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION
Winston-Salem, NC

AGENDA TITLE: Approval of Exchange of Real Estate

AGENDA TOPIC: Approval of Exchange of real estate held by the WS/FCS with real estate held by Darryl Helgesen and Gary Peak for the Zone 1 site.

BACKGROUND INFORMATION:

In order to obtain two tracts of land for the construction of the road to access the Zone 1 Elementary School site, the Board acquired numerous right-of-ways along Motsinger Drive, including the Harrell property. Staff has negotiated a land swap of unneeded portions of the Harrell property in order to acquire two portions of land needed along Motsinger Drive.

The first parcel is a swap between the WS/FCS and Darryl Helgesen. The WS/FCS wishes to exchange +/- 0.1293 acres of property described as parcel 42-A, which is a portion of PIN 6865-23-8869, for +/- 0.120 acres of property in the same tax block owned by Darryl Helgesen (PIN 6865-23-8760). Of the acreage the WS/FCS will receive, 0.0687 is a Right of Way dedication, 0.0341 is a permanent utility easement, and 0.0172 is a temporary construction easement. Staff believes this exchange is full and fair consideration for the parcel the WS/FCS would obtain.

The second parcel is a swap between the WS/FCS and Gary Peak. The WS/FCS wishes to exchange +/- 0.1293 acres of property owned by the WS/FCS described as parcel 17-A, PIN 6865-23-8869 for +/- 0.105 acres of property owned by Gary Peak (PIN 6865-23-7752). Of the acreage the WS/FCS will receive, 0.0802 is a Right of Way dedication, 0.0184 is a permanent utility easement, and 0.0064 is a temporary construction easement. Staff believes this exchange is full and fair consideration for the parcel the WS/FCS would obtain.

Staff believes these two parcels totaling +/- 0.2586 acres are unnecessary for public school purposes. In accordance with N.C.G.S. § 115C-518, the Board of Education can dispose of property which is unnecessary for public school purposes according to the procedures set forth in Chapter 160A, Article 12. The Board of Education must provide the County Board of Commissioners the first opportunity to obtain the property it wishes to exchange. Once the County formally declines, the Board may move forward with the exchange so long as: 1) 10 days' public notice is given by publication describing the properties to be exchanged, 2) stating the value of the properties and other consideration changing hands, and 3) announcing the Board's intent to authorize the exchange at its next regular meeting. See N.C.G.S. § 160A-271.

Surveys of the parcels impacted by this action are attached. Attached you will also find General Warranty Deeds that will be executed if the County Commissioners decline the property. Each parcel is valued at approximately \$4,350.00.

SUPERINTENDENT'S RECOMMENDATION:

1. That the Board of Education provide the Board of County Commissioners of Forsyth County the first opportunity to obtain the property the WS/FCS wishes to exchange.
2. That the WS/FCS complete the property exchange with Mr. Helgesen and Mr. Peak in accordance with North Carolina law if the County Commissioners decline the property.

Date: 12/04/12

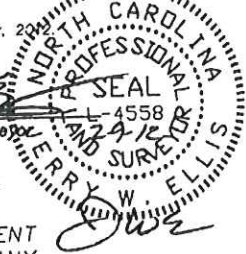
P:\Law3\Agenda\Zone 1 - Option to Exchange.doc

Forsyth County, North Carolina

I, Jerry W. Ellis, certify that this map was drawn under my supervision from an actual traditional and a GPS survey made under my supervision (deed description recorded in Deed Book 1655, Page 3942 and other reference sources as shown); that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: 06-15-2011 (5) Datum: NAD83(NRSR2007) (6) NCGS VRS/RTN (7) Geoid model: 2003 (8) Combined grid factor(s): 0.9999314 (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.

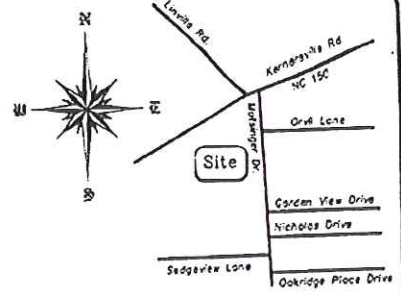
Witness my hand and seal this 9th day of February, 2012

Jerry W. Ellis
 Professional Land Surveyor
 L-4558

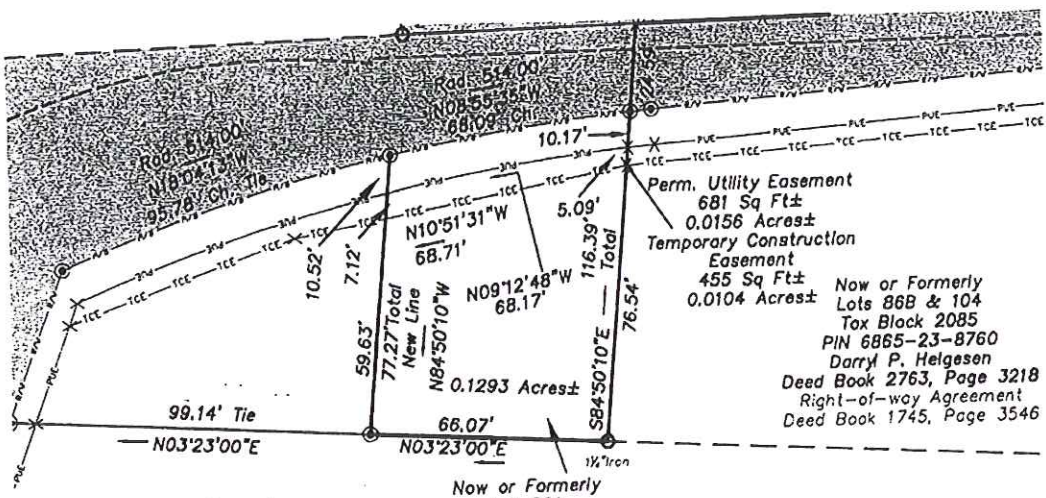


THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

Motsinger Drive
(Public)

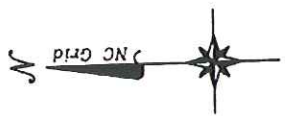


Location Map
Not to scale



Now or Formerly
 Lot 85B
 Tax Block 2085
 PIN 6865-23-7752
 Gary W. Peak
 Deed Book 1784, Page 185

Now or Formerly
 Lot 86A
 Tax Block 2085
 PIN 6865-23-8869
 Paul E. Harrell
 et ux, Margaret T. Harrell
 Deed Book 1655, Page 3942
 Right-of-way Agreement
 Deed Book 1745, Page 3545
 Deed Book 1745, Page 3548
 Deed Book 1687, Page 3205



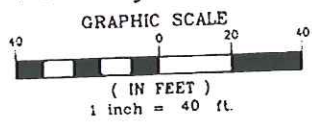
Legend

- Corner Found (as noted) ○
- 7/8" Iron Placed ⊙
- Unmonumented Point X
- R/W Dedication ————
- Perm. Utility Esmt. ————
- Temp. Const. Esmt. - - - - -
- Ex. R/W Agreement - - - - -

NOTE:
 1) This property subject to any easements, agreements, or rights-of-way of record prior to date of this map which were not apparent at the time of my inspection and might otherwise be disclosed by an attorney's title opinion which as of date shown herein has not been supplied to Brady Surveying Company, P.A. There may be easements or other matters of record affecting this property not shown herein.
 2) All distances are measured horizontal ground distances unless specifically noted otherwise.
 3) Geodetic Control via the NCGS VRS/RTN.

Brady Surveying Company, P.A. C-583
 2990 Bethesda Place, Suite 601-B
 Winston-Salem, NC
 (336)760-2716

PROPERTY TO BE TRADED TO
Parcel 42-A
Darryl P. Helgesen
 Winston Township
 Forsyth County, North Carolina
 Pin 6865-23-8869
 Tax Block 2085
 Deed Book 1655, Page 3942
 February 9, 2012



Drawing 10059 RW Acquisition Maps.dwg

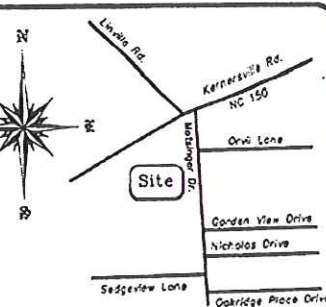
S:\wscs\Zone 1 - Smith Farm\10059 RW Acquisition Maps.dwg Wed, 13 Jun 2012 2:59pm

Forsyth County, North Carolina

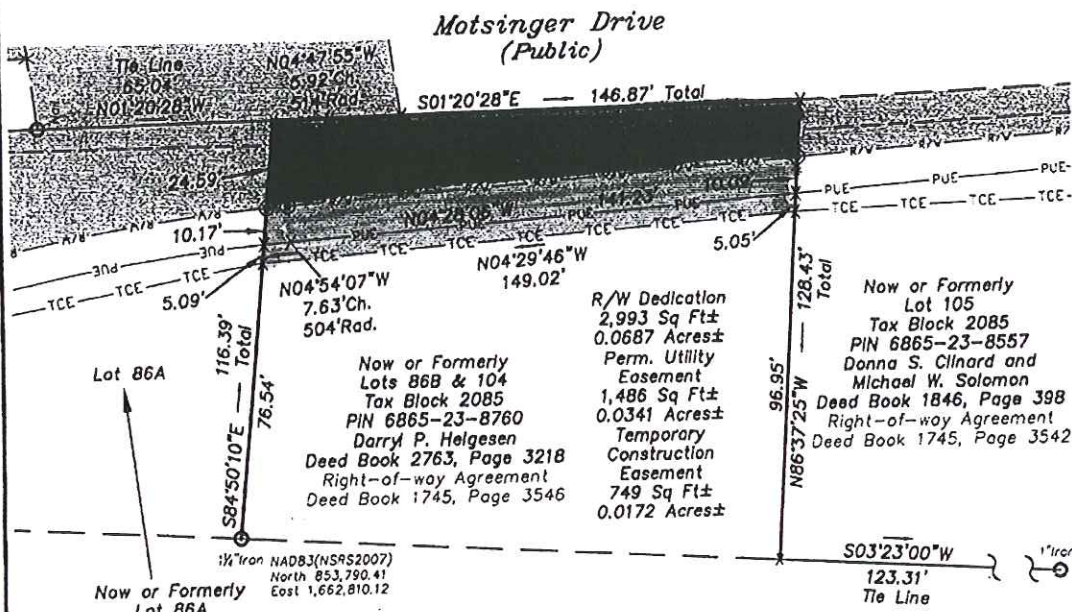
I, Jerry W. Ellis, certify that this map was drawn under my supervision from an actual physical and a GPS survey made under my supervision (deed description recorded in Deed Book 2763, Page 3218 and other reference sources as shown); that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy: 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: 06-15-2011 (5) Datum: NAD83(NSRS2007) (6) NCGS VRS/RTN (7) Geoid model: 2003 (8) Combined grid factor(s): 0.9999314 (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.

Witness my hand and seal this 19th day of October, 2011.

Jerry W. Ellis
Professional Land Surveyor
L-4558



Location Map
Not to scale



Now or Formerly
Lot 86A
Tax Block 2085
PIN 6865-23-8869
Paul E. Harrell
et ux, Margaret T. Harrell
Deed Book 1655, Page 3942
Right-of-way Agreement
Deed Book 1745, Page 3545
Deed Book 1745, Page 3548
Deed Book 1687, Page 3205

Now or Formerly
Lot 85B
Tax Block 2085
PIN 6865-23-7752
Gary W. Peak
Deed Book 1784, Page 185

Now or Formerly
Lot 105
Tax Block 2085
PIN 6865-23-8557
Donna S. Clnard and
Michael W. Solomon
Deed Book 1846, Page 398
Right-of-way Agreement
Deed Book 1745, Page 3542

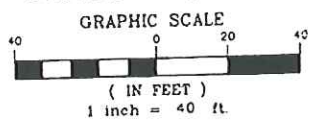
- Legend**
- Corner Found (as noted) ○
 - 7/8" Iron Placed ●
 - Unmonumented Point X
 - R/W Dedication — R/W —
 - Perm. Utility Esmt. — PUE —
 - Temp. Const. Esmt. — TCE —
 - Ex. R/W Agreement - - - - -

- NOTE:**
- 1) This property subject to any easements, agreements, or rights-of-way of record prior to date of this map which were not apparent at the time of my inspection and might otherwise be disclosed by an attorney's title opinion which as of date shown hereon has not been supplied to Brady Surveying Company, P.A. There may be easements or other matters of record affecting this property not shown hereon.
 - 2) All distances are measured horizontal ground distances unless specifically noted otherwise.
 - 3) Geodetic Control via the NCGS VRS/RTN.

Brady Surveying Company, P.A. C-583
2990 Bethesda Place, Suite 601-B
Winston-Salem, NC
(336)760-2716

**PROPERTY AND EASEMENT
WSFLS HAD TO OBTAIN**

Parcel 42
Darryl P. Helgesen
Winston Township
Forsyth County, North Carolina
Pin 6865-23-8760
Tax Block 2085
Deed Book 2763, Page 3218
October 19, 2011



S:\WSFLS\Zone 1 - Smith Form\10059 RW Acquisition Maps.dwg Wed, 19 Oct 2011 4:23pm

Forsyth County, North Carolina

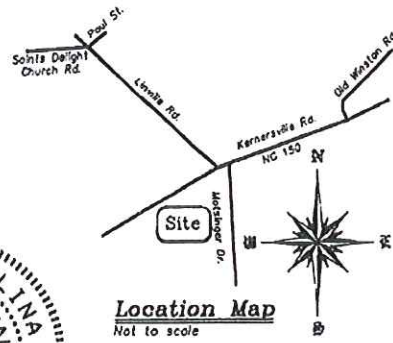
I, J. Ellis, certify that this map was drawn under my supervision from an actual traditional and a GPS survey made under my supervision (deed description recorded in Deed Book 1655, Page 3942 and other reference sources as shown); that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy: 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: 06-15-2011 (5) Datum: NAD83(NSRS2007) (6) NGS VRS/RTN (7) Geoid model: 2003 (8) Combined grid factor(s): 0.9999314 (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.

Witness my hand and seal this 9th day of February, 2012.

J. Ellis
Professional Land Surveyor
L-4558

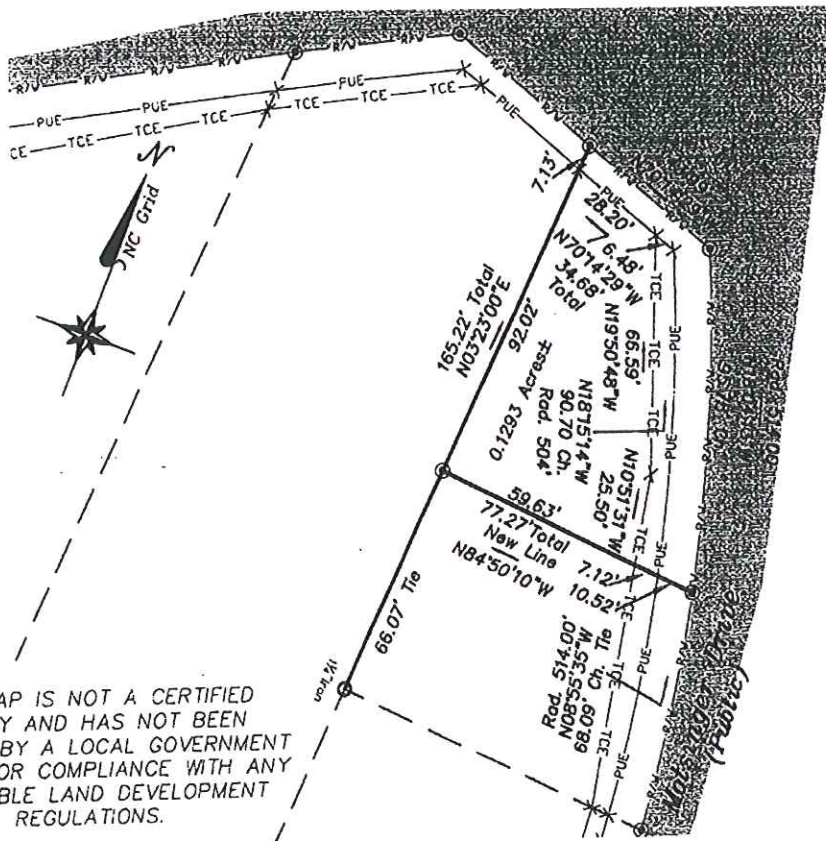


Linville Road
(Public)



Legend

- Corner Found (as noted) ○
- 7/8" Iron Placed ⊙
- Unmonumented Point X
- R/W Dedication — R/W —
- Perm. Utility Esmt. — PUE —
- Temp. Const. Esmt. — TCE —



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This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations

PROPERTY TO BE TRADED TO

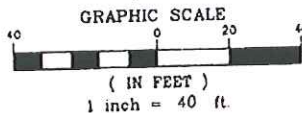
**Parcel 17-A
Gary W. Peak**

Winston Township
Forsyth County, North Carolina
A Portion of Pin 6865-23-8869
Tax Block 2085
Deed Book 1655, Page 3942
February 9, 2012

NOTE:

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- 3) Geodetic Control via the NCGS VRS/RTN.

Brady Surveying Company, P.A. C-583
2990 Bethesda Place, Suite 601-B
Winston-Salem, NC
(336)760-2716



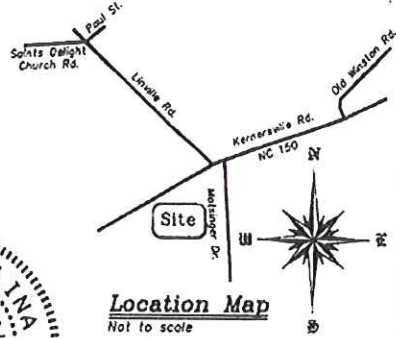
Drawing 10059 RW Acquisition Maps.dwg

County, North Carolina

I, Jerry W. Ellis, certify that this map was drawn under my supervision from an actual survey and a GPS survey made under my supervision (deed description recorded in Deed Book 1784, Page 185 and other reference sources as shown), that the boundaries not surveyed are indicated as dashed lines and drawn from information shown; that the ratio of precision or positional accuracy for the traditional survey as calculated by latitudes and departures is 1/20,000+; the following information was used to perform the GPS survey: (1) Class of survey: A (2) Positional accuracy: 0.10' (3) Type of GPS field procedure: RTK (4) Date of survey: 06-15-2011 (5) Datum: NAD83(NSRS2007) (6) NCGS VRS/RTN (7) Geoid model: 2003 (8) Combined grid factor(s): 0.9999314 (9) Units: US Survey Feet; that the area was calculated by coordinates; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) and does not meet the requirements of NCGS 47-30 as amended.

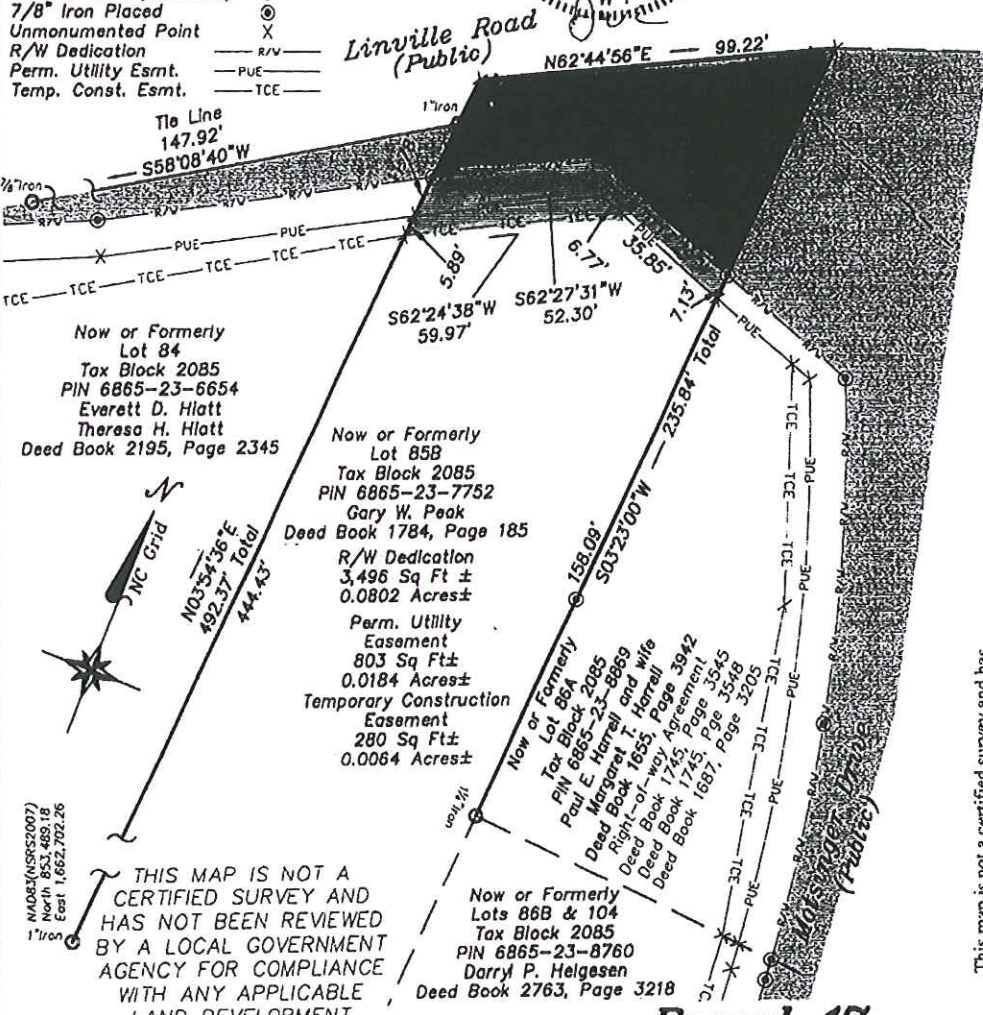
Witness my hand and seal this 19th day of October, 2011.

Jerry W. Ellis
Professional Land Surveyor
L-4558



Legend

- Corner Found (as noted) ○
- 7/8" Iron Placed ⊙
- Unmonumented Point X
- R/W Dedication — R/W —
- Perm. Utility Esmt. — PUE —
- Temp. Const. Esmt. — TCE —



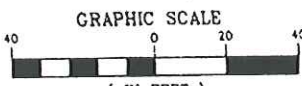
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Parcel 17
PROPERTY AND EASEMENT USES
OWN TO OBTAIN
Winston Township
Forsyth County, North Carolina
Pin 6865-23-7752
Tax Block 2085
Deed Book 1784, Page 185
October 19, 2011

Brady Surveying Company, P.A. C-583
2990 Bethesda Place, Suite 601-B
Winston-Salem, NC



(IN FEET)
1 inch = 40 ft.
10059 RW Acquisition Maps.dwg

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations

10059 RW Acquisition Maps.dwg Mon, 16 Jul 2012 11:22am