

AGENDA
VALLEY CITY COUNCIL
Tuesday, September 20, 2022
City Hall
203 North Spruce
Valley, NE 68064
4:30 PM

1. **CALL TO ORDER**
2. **PROOF OF PUBLICATION**
3. **PUBLIC HEARING**
 - 3.A. **Conditional Use Permit** - Ace Hardware - Lot 8 Falcon Business Park - 7304 N. West Street - Propane Sales
 - Open Public Hearing
 - Public comments: proponents and opponents
 - Close public hearing
 - Discussion and questions by Planning Commission Members
 - Vote on recommendation to City Council
 - 3.B. **Bluewater Replat 16** - Lots 1 and 2, Being a replatting of Lot 1, Bluewater Replat 12
 - Open Public Hearing
 - Public comments: proponents and opponents
 - Close public hearing
 - Discussion and questions by Planning Commission Members
 - Vote on recommendation to City Council
4. **BRUCE O'NEEL - MD WEST ONE SPORTS COMPLEX - UPDATE**
5. **ADJOURN**

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

APPLICATION FOR CONDITIONAL USE PERMIT

Valley, Nebraska

Date August 24, 2022

Property Owner's Name Stephen LeGrand

Address 19003 Lafayette Ave. Elkhorn, NE 68022

Phone No. (402) 319-6184 (Home) _____ (Work)

Pursuant to the Valley Zoning Ordinance, application is hereby made for the following proposed use of property or structure: Propane Sales at the new ACE Hardware Retail Outlet

Legal Description of Property Falcon Business Park, Lot 8
Valley, NE

Lot Size 2.9 acres (Sq. Ft./ Acres) Zoning District C-3

Will use in all other respects conform to the applicable regulations of the district in which it is located? Yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? Yes

Will use have adequate water, sewer and drainage facilities? Yes

Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads? Yes

Estimated Cost of Structure \$ 2,600,000.00

Applicant's Signature _____ Mailing Address 47407 808th Rd, Ord, NE 68862

Enclosed: Site Plan Yes Easements No

Application fee is Non-Refundable.

OFFICE USE ONLY

Permit No. _____ Permit is: transferable, transferable upon review/renewal

Date _____ Approved _____ Approved with Added Conditions _____ Disapproved _____

Chair, Valley Planning Commission

Date _____ Approved _____ Approved with Added Conditions _____ Disapproved _____

Mayor

ATTEST:
City Clerk
Page 1 of 1

Dated this _____ day of _____, 20__.

ARTICLE 5: ZONING DISTRICTS

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "n/a" = not permitted
 *1 = Floodplain regulations shall be met

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
General Manufacturing (High Hazard)	Electronics manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Machinery manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	-	-	P	-	
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	-	-	C	-	
	Bio-Fuels Manufacturing, including Ethanol production	C	-	-	-	-	-	-	-	-	-	-	-	See Sections 9.09 and 9.15
	Grain Elevator and Storage Facilities	C	-	-	-	-	-	-	-	C	-	-	-	
	Salvage Operations	-	-	-	-	-	-	-	-	-	-	-	-	
	Scrap or Salvage Yards	C	-	-	-	-	-	-	-	-	-	-	-	See Sections 9.08 and 9.15
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	-	-	-	-	-	-	-	-	-	See Sections 9.08 and 9.15
	Wood Preserving Treatment	C	-	-	-	-	-	-	-	-	-	C	-	
	Barns	P	-	-	-	-	-	-	-	-	-	-	-	
	Bins, silos, grain storage	P	-	-	-	-	-	-	-	-	-	-	-	
	Fuel storage	C	-	-	-	-	-	-	-	-	-	-	-	
	Fuel tanks and dispensing equipment	C	-	-	-	-	-	-	-	-	-	-	-	
Portable on-demand storage containers	T	T	T	T	T	T	T	T	T	T	T	T	T	
Swimming pools	P	P	P	P	P	P	P	P	P	P	P	P	P	*1
Tennis courts	P	P	P	P	P	P	P	P	P	P	P	P	P	
Solar energy systems for use on individual properties or buildings	C	C	C	C	C	C	C	C	C	C	C	C	C	See Section 9.10
Wind Energy Conversion System	C	C	C	C	C	C	C	C	C	C	C	C	C	See Section 9.06

Cheryl Eckerman

From: Building Inspector
Sent: Friday, September 2, 2022 10:17 AM
To: Cheryl Eckerman
Subject: FW: AHV22 - Ace Hardware -Propane variance
Attachments: AHV22_C101-SITE LAYOUT PLAN-C101.pdf

Additional site plan information for the conditional use permit application for propane fueling area at Ace Hardware.

From: Matthew Clause <mclause@engint.us>
Sent: Wednesday, August 31, 2022 7:22 PM
To: Building Inspector <buildinginspector@valleyne.org>
Subject: AHV22 - Ace Hardware -Propane variance

EXTERNAL EMAIL

Hello Rune,

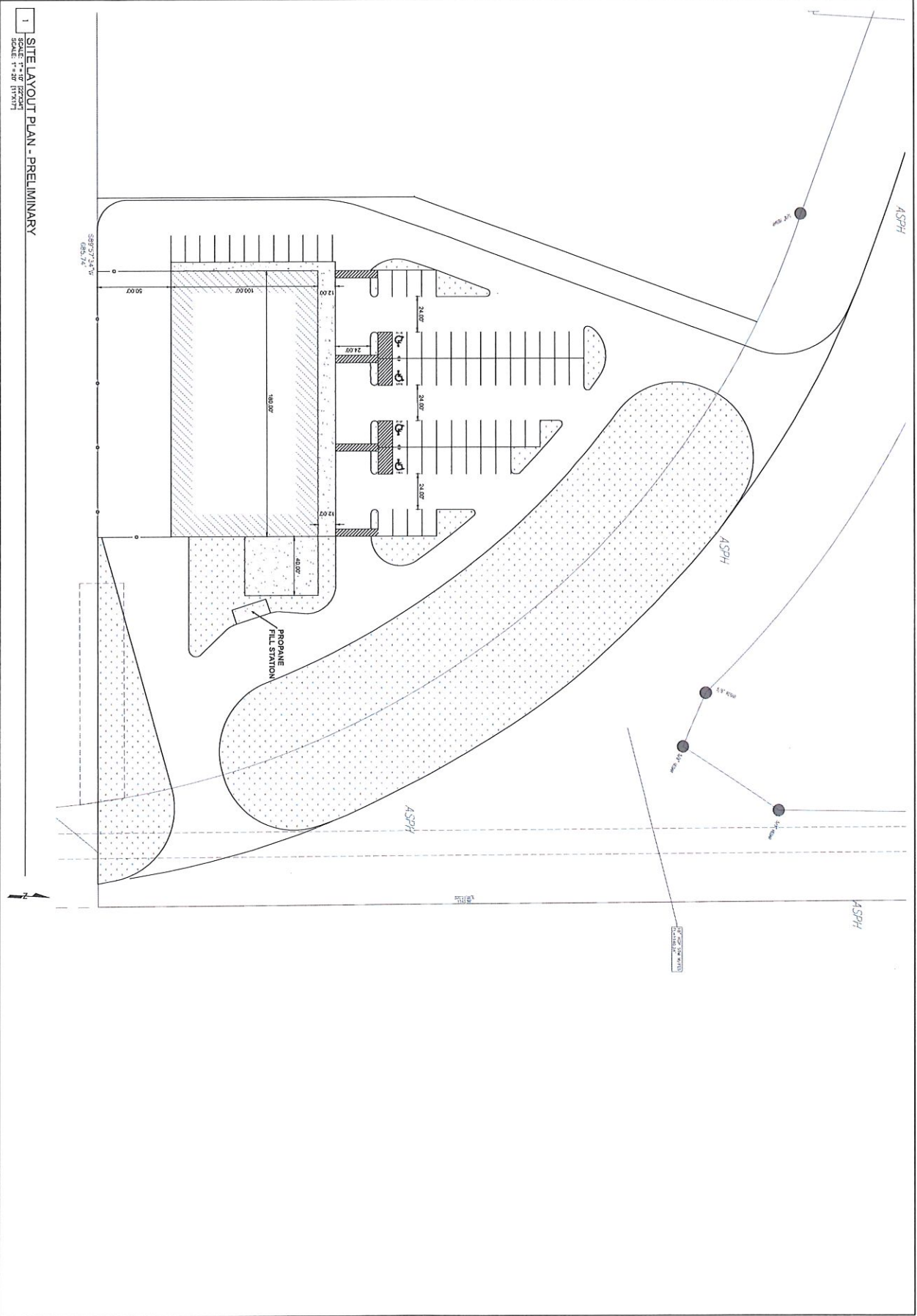
I planned on having this to you last Friday, but I didn't get that far. I apologize. Attached is the site plan showing the propane fill station. Please let me know if you need anything else for this variance. Just a note. The parking might change a little. We are reviewing that with the contractor and owner.

Thanks!

Matthew B Clause
Architectural Designer

Engineering International
402 Norris Ave Suite 203
Post Office Box 401
McCook, NE 69001

m: 308.340.8390
o: 308.340.5963
e: mclause@engint.us



1 SITE LAYOUT PLAN - PRELIMINARY
 SCALE 1/4" = 1'-0" (AS SHOWN)

<p>DATE: 10/17/2023 DRAWN BY: RYAN LAMBERT PROJECT: ACE HWY</p> <p style="font-size: 24pt; font-weight: bold;">C101</p>	<p>ACE HARDWARE NEW CONSTRUCTION PROJECT</p> <p>Stephen LeGrande 7304 North West Street Valley, NE 68064</p>	<p>HACKEL CONSTRUCTION</p>	<p>DO NOT SCALE DIMENSIONS CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ARE THE ARCHITECT'S AND ENGINEER'S AND BEGINNING CONSTRUCTION.</p>	<p>ENGINEERING INTERNATIONAL</p> <p>PO Box 401 412 North Ave Ste 203 McCook, NE 68001-0401</p>
<p>SITE LAYOUT PLAN</p>				

REVIEW
 SET
 NOT FOR
 CONSTRUCTION

APPLICATION FOR PRELIMINARY PLAT

Valley, Nebraska

LEGAL DESCRIPTION AND GENERAL LOCATION

Lots 1 and 2, Being a Replatting of Lot 1,
Bluewater Replat 12, a subdivision as surveyed,
platted and recorded in Douglas County Nebraska

SUBDIVIDER

Name: Bluewater Development Corporation
Address: 17070 Wright Plaza #200
Omaha, NE 68130

Telephone: (402) 289-5528

OWNER

Name: Bluewater Development Corporation
Address: 17070 Wright Plaza #200
Omaha, NE 68130

Telephone: (402) 289-5528

CITY USE ONLY
RECEIPT NO: _____
DATE: _____
PRELIMINARY PLAT #: _____
FEE PAID \$: _____

AGENT (Authorized to act on Subdivider's behalf):
Name: _____
Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____
Address: _____

Telephone: () _____

NAME OF PRELIMINARY PLAT: Bluewater Replat 16 NUMBER OF LOTS:

No

- Letter or transmittal and action(s) requested.
- Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ___ No If yes, please describe the nature of such interest:

Will the preliminary plat require any zoning or other action (rezoning, conditional use, or vacations) to complete the development? Yes ___ No If yes, please describe the nature of the action:

- Does the preliminary plat deviate from the requirements of the Subdivision Regulations of the City of Valley or the City's Design Standards? Yes ___ No If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added):
- Is any part of the land within the preliminary plat within a flood plain? Yes No ___ If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (additional sheets may be added).

Applicant's Signature: _____



Date: 9.8.2022

Cheryl Eckerman

From: Gregory Perry-EEG <gregp@eagleengineeringgroup.com>
Sent: Thursday, September 8, 2022 8:10 AM
To: Building Inspector; Cheryl Eckerman
Subject: RE: Administrative Plat

EXTERNAL EMAIL

Morning Rune-

You are correct.

Thanks,
Greg

Gregory E. Perry, PE
EAGLE ENGINEERING GROUP
12100 West Center Road, Suite 803
Omaha, Nebraska 68144
o: (402) 399-0227 | d: (402) 403-1163 | c: (402) 657-2711

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From: Building Inspector <buildinginspector@valleyne.org>
Sent: Wednesday, September 7, 2022 4:20 PM
To: Gregory Perry-EEG <gregp@eagleengineeringgroup.com>; Cheryl Eckerman <ceckerman@valleyne.org>
Subject: RE: Administrative Plat

10-4. So he would have to fill out a preliminary plat application (attached) and go in front of the planning board?

From: Gregory Perry-EEG <gregp@eagleengineeringgroup.com>
Sent: Wednesday, September 7, 2022 4:02 PM
To: Building Inspector <buildinginspector@valleyne.org>; Cheryl Eckerman <ceckerman@valleyne.org>
Subject: RE: Administrative Plat

EXTERNAL EMAIL

Rune-

Let's summarize the history of the replats for these lots in this area:

1. Plat – Lot 248, 249, Outlot V
2. Replat 1 – Created Lot 2 from Outlot V (aka Outlot B now)
3. Replat 9- Combined Lot 249, and Lot 2
4. Replat 12 – Combined Lot 1, Replat 9 and 248 [Processed via formal replat]

Proposed Replat 16 - Splits Replat 12. I agree that since this has been split and combined this replat still should be a formal replat since it is re-platting the lots again.

Thanks,
Greg

Gregory E. Perry, PE
EAGLE ENGINEERING GROUP
12100 West Center Road, Suite 803
Omaha, Nebraska 68144
o: (402) 399-0227 | d: (402) 403-1163 | c: (402) 657-2711

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From: Building Inspector <buildinginspector@valleyne.org>
Sent: Wednesday, September 7, 2022 2:39 PM
To: Cheryl Eckerman <ceckerman@valleyne.org>; Gregory Perry-EEG <gregg@eagleengineeringgroup.com>
Subject: RE: Administrative Plat

Greg,

What are your thoughts on this? Cheryl and I both read it a couple times. From what I gather, he needs to do a plat through the planning board. Our next question is, what form should he fill out for that? A preliminary or final plat request?

From: Caleb Snyder <Caleb.Snyder@LampRynearson.com>
Sent: Wednesday, September 7, 2022 1:31 PM
To: Building Inspector <buildinginspector@valleyne.org>; Cheryl Eckerman <ceckerman@valleyne.org>; Gregory Perry-EEG <gregg@eagleengineeringgroup.com>
Cc: Bluewater replat 16 <Bluewaterreplat16@lamprynearson.com>
Subject: RE: Administrative Plat

EXTERNAL EMAIL

Rune,

It's my understanding that the city required Lot 1 Bluewater Replat 12 to be a formal replat that went through Planning Commission and City Council because Lot 1 Bluewater Replat 12 was a combination of Lot 248 and Lot 1 Bluewater Replat 9. Which Lot 1 Bluewater Replat 9 was done administratively. Because Lot 1 Bluewater Replat 12 was a newly created lot via a formal replat wouldn't that allow this lot to be split again via an admin replat. I'd be happy to jump on a call to discuss in more detail if needed.

Thanks,



Caleb Snyder, P.E.
Senior Project Manager

[P] 402.496.2498 [A] [14710 W Dodge Rd., Ste 100 Omaha, NE 68154](#) [W] [LampRynearson.com](#)

From: Building Inspector [<mailto:buildinginspector@valleyne.org>]
Sent: Friday, September 2, 2022 2:48 PM
To: Caleb Snyder <Caleb.Snyder@LampRynearson.com>; Cheryl Eckerman <ceckerman@valleyne.org>; Gregory Perry-EEG <gregg@eagleengineeringgroup.com>
Cc: Bluewater replat 16 <Bluewaterreplat16@lamprynearson.com>
Subject: RE: Administrative Plat

[EXTERNAL EMAIL]

Caleb,

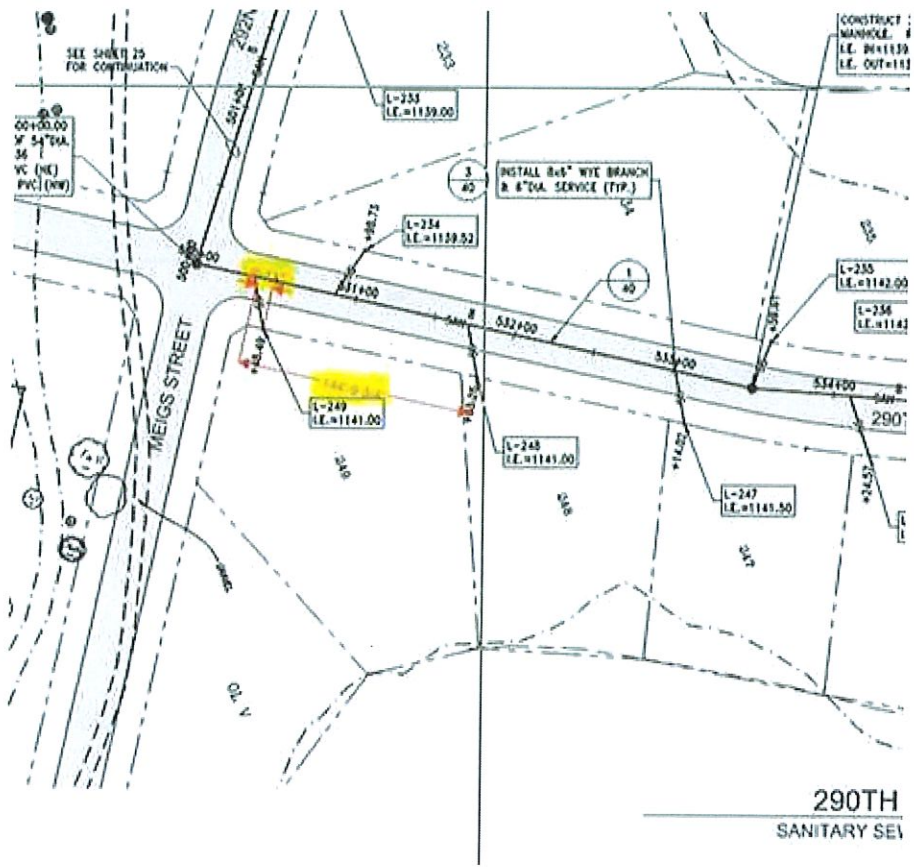
Since these lots have been administratively split previously, Section 3.10 of the Subdivision Regulations prohibits doing it again without the formal replat submittal that will go through Planning Commission and City Council.

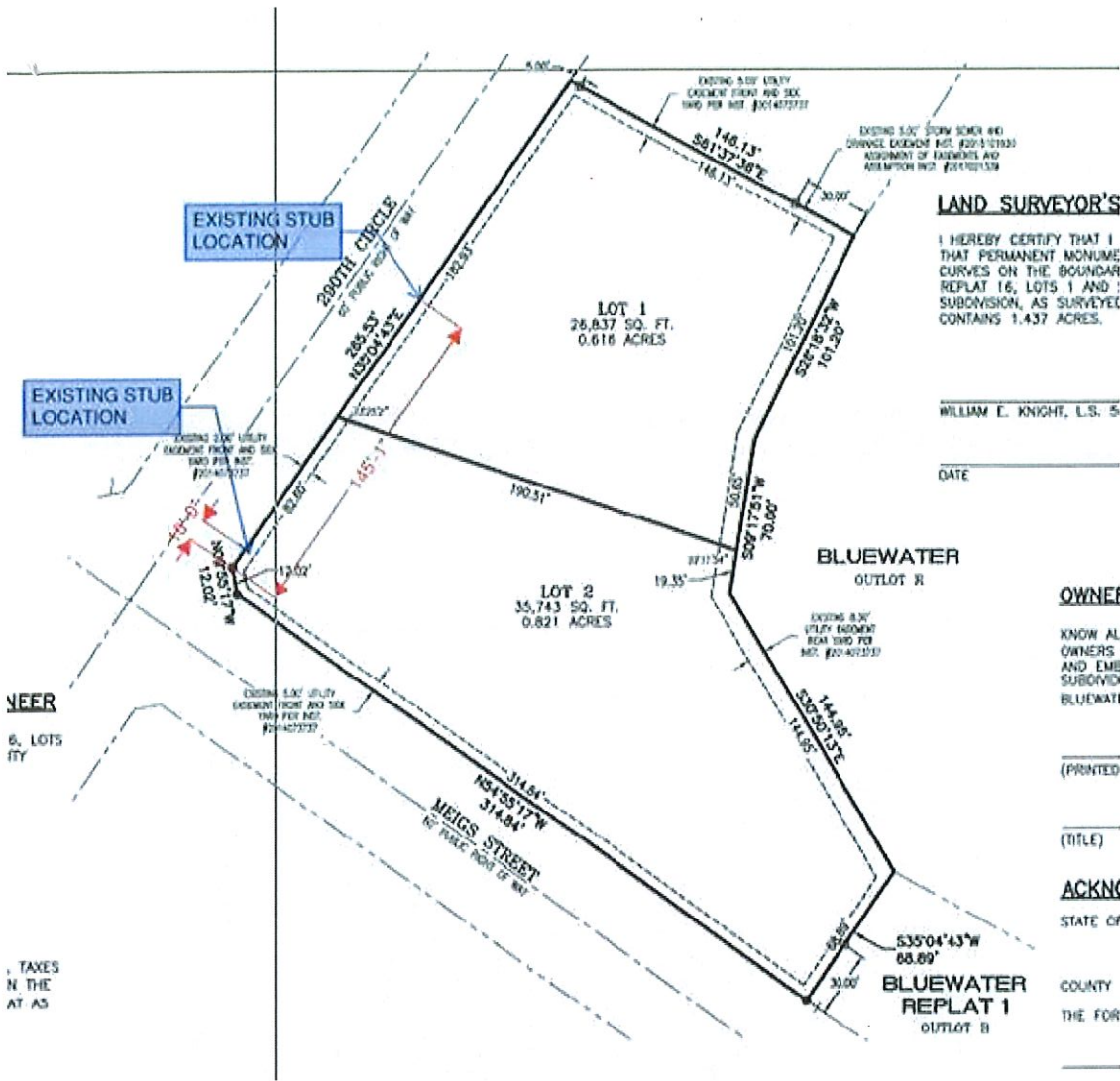
From: Caleb Snyder <Caleb.Snyder@LampRynearson.com>
Sent: Friday, September 2, 2022 10:51 AM
To: Building Inspector <buildinginspector@valleyne.org>; Cheryl Eckerman <ceckerman@valleyne.org>; Gregory Perry-EEG <gregg@eagleengineeringgroup.com>
Cc: Bluewater replat 16 <Bluewaterreplat16@lamprynearson.com>
Subject: RE: Administrative Plat

EXTERNAL EMAIL

Rune,

The proposed platting isn't going back to the original lot configuration. But based off the original design plans I believe the original stub to lot 248 and 249 fall within the proposed Lots 1 and 2. See screen shots below illustrating this. Please let us know if you have any questions.





LAND SURVEYOR'S

I HEREBY CERTIFY THAT I
 THAT PERMANENT MONUMENT
 CURVES ON THE BOUNDAR
 REPLAT 16, LOTS 1 AND
 SUBDIVISION, AS SURVEYED
 CONTAINS 1.437 ACRES.

WILLIAM E. KNIGHT, L.S. 5

DATE _____

OWNER

KNOW AL
 OWNERS
 AND EME
 SUBDIVID
 BLUEWATER

(PRINTED)

(TITLE)

ACKNOWLEDGEMENT

STATE OF _____

COUNTY _____

THE FOR _____

Thanks,

**LAMP
 RYNEARSON**

Caleb Snyder, P.E.
 Senior Project Manager

[P] 402.496.2498 [A] 14710 W Dodge Rd., Ste 100 Omaha, NE 68154 [W] LampRynearson.com

From: Building Inspector [<mailto:buildinginspector@valleyne.org>]
 Sent: Friday, September 2, 2022 10:03 AM
 To: Caleb Snyder <Caleb.Snyder@LampRynearson.com>; Cheryl Eckerman <ceckerman@valleyne.org>; Gregory Perry-EEG <gregg@eagleengineeringgroup.com>
 Cc: Bluewater replat 16 <Bluewaterreplat16@lamprynearson.com>
 Subject: RE: Administrative Plat

[EXTERNAL EMAIL]

Caleb,

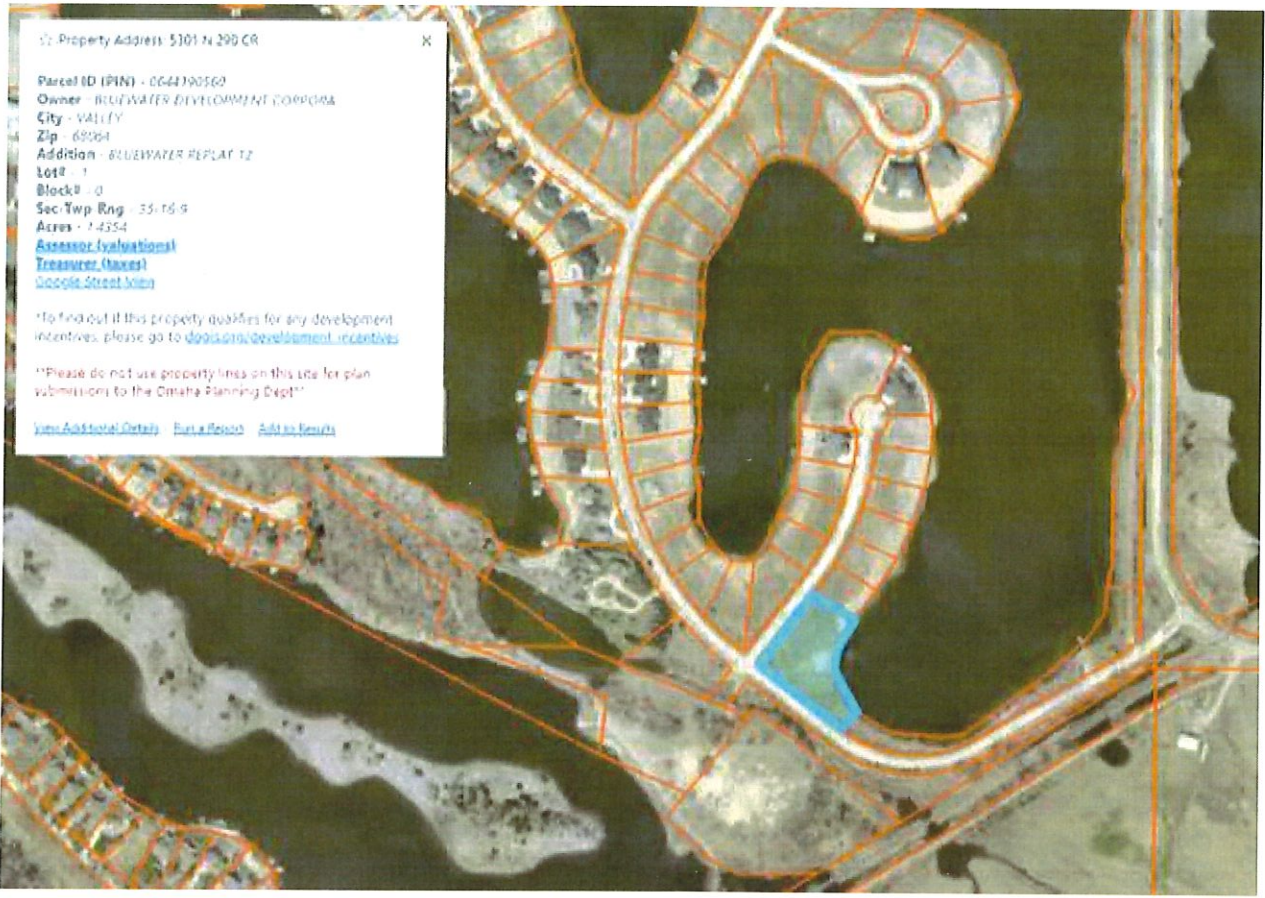
I talked with our City engineer. There are no special assessments for that site. The only other concern we have is the new platted lots, and their respective stub location. Originally this was two separate lots. Are you planning to split it back to its original lots?

From: Caleb Snyder <Caleb.Snyder@LampRynearson.com>
Sent: Monday, August 29, 2022 2:07 PM
To: Cheryl Eckerman <ceckerman@valleyne.org>
Cc: Building Inspector <buildinginspector@valleyne.org>; Bluewater replat 16 <Bluewaterreplat16@lamprynearson.com>
Subject: RE: Administrative Plat

EXTERNAL EMAIL

Cheryl,

Thank you so much for the information. Below is a screen shot of the lot we are planning on doing the admin plat for and a pdf copy of the admin plat that will be submitted. On the application, I see it requests a statement from the City Clerk's office showing that all special assessments are current. Is this something you can provide me with?



Thanks,

Caleb Snyder, P.E.
Senior Project Manager

[P] 402.496.2498 [A] 14710 W Dodge Rd., Ste 100 Omaha, NE 68154 [W] LampRynearson.com

-----Original Message-----

From: Cheryl Eckerman [<mailto:ceckerman@valleyne.org>]
Sent: Monday, August 29, 2022 11:54 AM
To: Caleb Snyder <Caleb.Snyder@LampRynearson.com>
Cc: Building Inspector <buildinginspector@valleyne.org>
Subject: Administrative Plat

Caleb, I have attached what I have for Application for Administrative Plat. The fee is \$150.00. Please contact Rune Van den Boogaart our building inspector if you have any questions.

Thank you!

Cheryl K. Eckerman
City Clerk/Treasurer
City of Valley
402-359-2251 Ext. 309

-----Original Message-----

From: scans@valleyne.org <scans@valleyne.org>
Sent: Monday, August 29, 2022 10:35 AM
To: Cheryl Eckerman <ceckerman@valleyne.org>
Subject: Message from "ValleyNE"

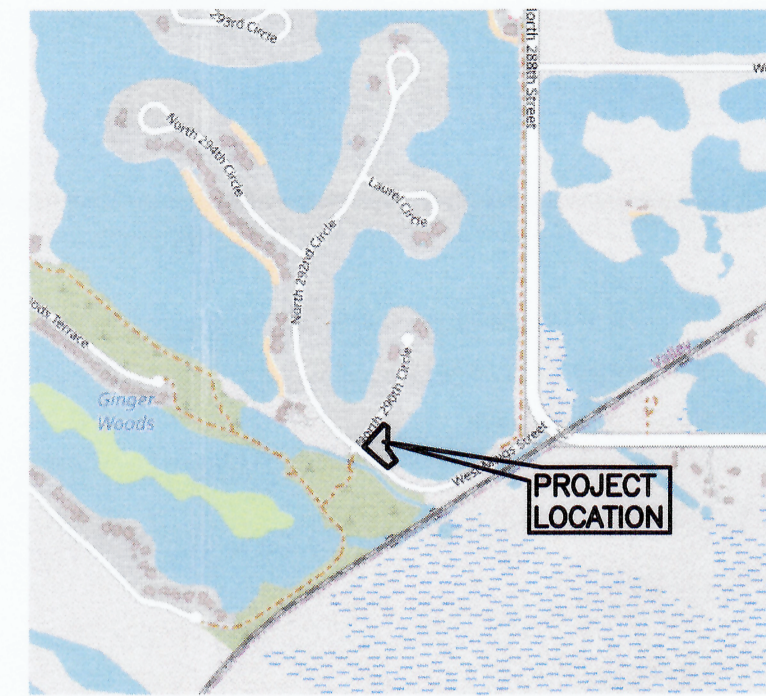
This E-mail was sent from "ValleyNE" (MP C2004ex).

Scan Date: 08.29.2022 11:35:00 (-0400)
Queries to: scans@valleyne.org

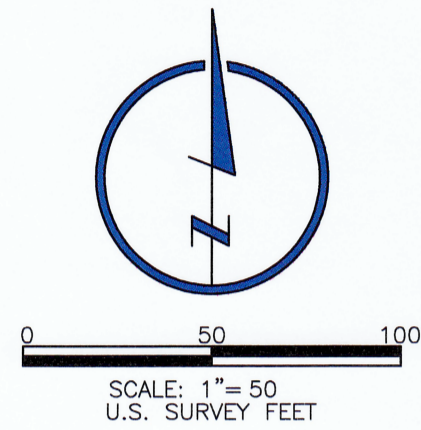
BLUEWATER REPLAT 16

LOTS 1 AND 2, BEING A REPLATTING OF LOT 1, BLUEWATER REPLAT 12, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA

LOCATED IN:
SE 1/4 SE 1/4 SEC. 35-16-09
NE 1/4 NE 1/4 SEC. 02-15-09

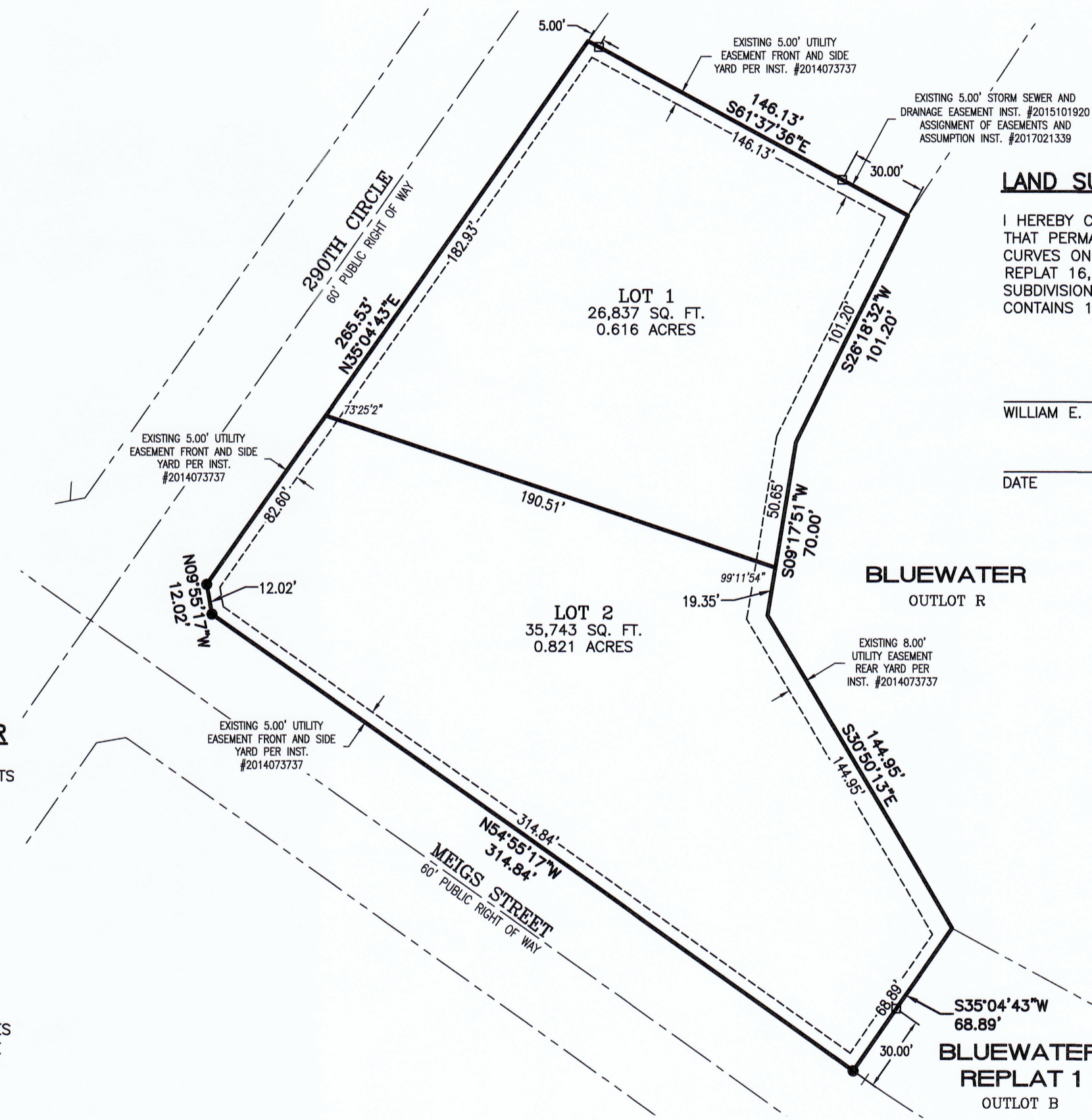


VICINITY MAP



LEGEND

- BOUNDARY LINE
- - - EXISTING LOT LINE
- - - EASEMENT LINE
- MONUMENT FOUND (5/8" REBAR W/ 1 1/4" YPC STAMPED LS-566)
- WITNESS CORNER (5/8" REBAR W/ 1 1/4" YPC STAMPED LS-566)



LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS WILL BE PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON THE BOUNDARY AND ALL LOTS WITHIN THE SUBDIVISION TO BE KNOWN AS BLUEWATER REPLAT 16, LOTS 1 AND 2, BEING A REPLATTING OF LOT 1, BLUEWATER REPLAT 12, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA. CONTAINS 1.437 ACRES.

WILLIAM E. KNIGHT, L.S. 566

DATE



OWNER'S CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED ARE OWNERS OF THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AND HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT. BLUEWATER DEVELOPMENT CORPORATION, A NEBRASKA CORPORATION, OWNER

(PRINTED NAME) SIGNATURE

(TITLE)

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
)SS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

_____ DAY OF _____, 20____

BY _____
PRINTED NAME TITLE

OF BLUEWATER DEVELOPMENT CORPORATION, A NEBRASKA CORPORATION, ON BEHALF OF SAID CORPORATION.

SIGNATURE OF NOTARY PUBLIC

DOUGLAS COUNTY ENGINEER REVIEW



ACCEPTANCE BY THE VALLEY CITY ENGINEER

THIS ADMINISTRATIVE SUBDIVISION OF BLUEWATER REPLAT 16, LOTS 1 AND 2, WAS REVIEWED AND ACCEPTED BY THE VALLEY CITY ENGINEER ON THIS

_____ DAY OF _____, 20____

VALLEY CITY ENGINEER

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE, THIS

_____ DAY OF _____, 20____

DOUGLAS COUNTY TREASURER

APPROVAL OF CITY OF VALLEY

THIS ADMINISTRATIVE SUBDIVISION OF BLUEWATER REPLAT 16, LOTS 1 AND 2, WAS ACCEPTED BY THE CITY OF VALLEY

ON THIS _____ DAY OF _____, 20____

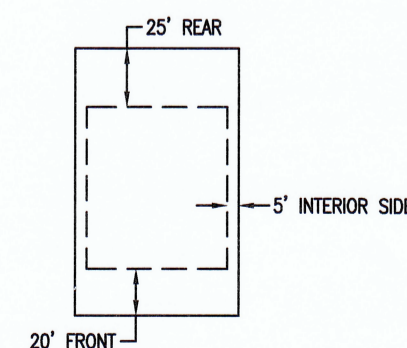
BY: _____ (NAME) (SIGNATURE)
CITY CLERK

BY: _____ (NAME) (SIGNATURE)
MAYOR

BY: _____ (NAME) (SIGNATURE)
CHIEF BUILDING OFFICIAL

NOTES

- ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
- THE CHAMFERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT 8.5' RADII FROM THE INTERSECTION OF RIGHT OF WAY LINES.
- CHAMFER ANGLES ARE 135°00'00" UNLESS NOTED.
- ALL EXISTING EASEMENTS ARE NOT BEING REDEDICATED AND ARE SHOWN FOR REFERENCE ONLY.



NOTE: OTHER REQUIREMENTS AND SETBACKS MAY APPLY.

CITY OF VALLEY R-3 ZONING

SETBACK REQUIREMENTS

NO SCALE

LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD., STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)381.0440

WILLIAM E. KNIGHT

LS-566

ADMINISTRATIVE
SUBDIVISION

BLUEWATER REPLAT 16, LOTS 1 & 2
VALLEY, DOUGLAS COUNTY, NEBRASKA



ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

Know what's below.
Call before you dig.

REVISIONS

NO.	DATE	DESCRIPTION

DESIGNER / DRAFTER

REVISIONS

DATE
8/18/2022

PROJECT NUMBER
0122168.01-004

BOOK AND PAGE

SHEET

1 OF 1