

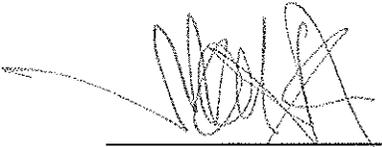
City of Santa Fe, New Mexico

memo

DATE: November 24, 2015

TO: Governing Body

VIA:


Matthew S. O'Reilly, P.E.
Asset Development Director

FROM: Edward J. Vigil, Property Manager 
Asset Development Office

ITEM

Request for final approval of the sale and partial vacation of a portion of the Lena Street right-of-way containing approximately 0.071 acres (3,084 square feet) adjoining the westerly boundary of 1600 Lena Street by Las Bodegas LLC (Matthew O'Reilly)

BACKGROUND

The subject property is an unused portion of the Lena Street right-of-way acquired by the City of Santa Fe by means of plat dedication recorded in Plat Book 5, page 4, in the records of Santa Fe County, New Mexico.

Rick Brenner, on behalf of Las Bodegas LLC, has requested to purchase this portion of right-of-way from the city as it currently lies between adjacent parcels that he currently owns. Mr. Brenner intends to use the property for parking to serve his adjoining properties. The Asset Development Office has confirmed with all relevant city departments that the proposed sale of the property will not conflict with city infrastructure and that the property is not needed for any current or future city purposes with the exception of an existing city-owned water line.

The city's Public Works Committee and Finance Committee approved this sale in concept on March 23, 2015 and March 30, 2015 respectively. The applicant has now submitted the required MAI-certified appraisal and survey of the parcel and these have been reviewed and found acceptable by the Asset Development Office. The appraisal has established the market value the parcel to be \$23,000. The conceptually-approved Quitclaim Deed has been revised to incorporate the legal description of the parcel derived from the survey plat prepared by High Desert Surveying Inc., on October 25, 2015.

RECOMMENDATIONS

The Asset Development Office recommends final approval of the sale of this portion of right-of-way with conditions as shown on the attached Quitclaim Deed that: 1) obligate the purchaser to consolidate the city land with one or more of their adjacent parcels; and 2) make the area subject to any existing utilities and that will specifically make the land subject to a twenty (20) foot wide easement for the existing city waterline.

This sale will benefit the city by generating revenue for economic development purposes, by partially relieving the city from liability and maintenance responsibility of the property, and by placing the property back on the property tax roll. The sale will benefit the purchaser by allowing for additional parking for his adjacent parcels.

REQUESTED ACTION

Please approve this request for final approval of the sale of this portion of real property.

Exhibits: A – Revised Quitclaim Deed;

B – Minutes from Public Works, CIP & Land Use and Finance Committees
March 23, 2015 and March 30, 2015;

C – Boundary Survey & Vacation of Right of Way of Previous Portion of the LenaStreet
Right-of-Way for City of Santa Fe by High Desert Surveying completed 10/25/2015;

D – Relevant portion of Appraisal by Hippauf & Associates dated 7/9/2015.

BUSINESS UNIT/LINE ITEM:

21117.460150

QUITCLAIM DEED

The City of Santa Fe, a municipal corporation, herein "Grantor", for good and adequate consideration, paid, quitclaims to Las Bodegas, LLC, herein "Grantee", whose address is 406 Botolph Lane, Suite 1, Santa Fe, NM 87505, the following described real estate in Santa Fe County, New Mexico, being more particularly described as follows to-wit:

A certain parcel of land lying and being situate within projected Section 35, T. 17 N., R. 9 E., the Santa Fe Grant, NMPM, within the City and County of Santa Fe, New Mexico, being more particularly described as follows:

Beginning at a point being the northeast corner of the parcel herein described from whence City of Santa Fe Control Monument No. 1131 bears S. 87° 51' 18" E. 383.38 feet distant; thence from said point of beginning S. 2° 16' 48" E., 74.56 feet to a point; thence along a curve to the Left having a Chord bearing and distance of S. 73° 48' 09" W., 49.08 feet (Radius = 30.50 feet, Delta = 107° 09' 12", Length = 57.04 feet) to a point; thence N. 2° 29' 52" W., 72.28 feet to a point; thence N. 71° 20' 20" E., 49.94 feet to the point of beginning. As shown and delineated on plat entitled "BOUNDARY SURVEY & VACATION OF RIGHT OF WAY OF PREVIOUS PORTION OF THE LENA STREET RIGHT-OF-WAY FOR CITY OF SANTA FE...", filed for record as Document No. _____ in Plat Book ____, page ____, records of Santa Fe County, New Mexico.

Subject to reservations, restrictions, easements of record and taxes for the year of 2015 and thereafter.

Further, by this deed, the real estate is subject to the following easement and conditions:

1. The property shall not be considered a legal lot of record for any purpose, but rather shall be consolidated with the adjoining lands commonly known as 1600 Lena Street by Grantee.
2. This parcel is subject to a 20 foot wide right of way easement for an existing water line within the easterly portion of subject premises.

Witness my hand and seal this ____ day of _____, 2015.

GRANTOR:
CITY OF SANTA FE

BY: _____
JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL
CITY CLERK

Committee Review:

Finance Committee (Scheduled)

03/30/15



10. REQUEST FOR CONCEPT APPROVAL OF SALE AND PARTIAL VACATION OF RIGHT OF WAY FOR A PORTION OF THE LENA STREET RIGHT OF WAY CONTAINING APPROXIMATELY 3900 SQUARE FEET WHICH ADJOINS THE WESTERLY BOUNDARY OF 1600 LENA STREET BY LAS BODEGAS LLC (**EDWARD VIGIL**)

Committee Review:

Finance Committee (Scheduled)

03/30/15

11. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE TRANSIT DIVISION TO ESTABLISH A NO-COST TRANSIT PROGRAM THAT WOULD SERVE THE TRANSPORTATION NEEDS OF SANTA FE'S VETERANS (**MAYOR GONZALES AND COUNCILOR IVES**) (**JON BULTHUIS**)

Committee Review:

Finance Committee (Scheduled)

03/30/15

Council (Scheduled)

04/08/15

12. MATTERS FROM STAFF

13. MATTERS FROM THE COMMITTEE

14. MATTERS FROM THE CHAIR

15. NEXT MEETING: **MONDAY, APRIL 6, 2015**

16. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date

MINUTES OF THE
CITY OF SANTA FÉ
PUBLIC WORKS/CIP & LAND USE COMMITTEE

Monday, March 23, 2015

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Ron Trujillo at approximately 5:00 p.m. in City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Councilor Ronald S. Trujillo, Chair
Councilor Christopher M. Rivera, Vice Chair
Councilor Bill Dimas

MEMBERS ABSENT:

Councilor Patti Bushee [excused]
Councilor Carmichael A. Dominguez [excused]

STAFF PRESENT:

Isaac Pino, Public Works Director
Bobbi Mossman, Public Works Staff

NOTE: All items in the Committee packet for all agenda items were incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.

3. APPROVAL OF AGENDA

Councilor Dimas moved to approve the agenda as presented. Councilor Rivera seconded the motion and it passed by unanimous voice vote.



4. APPROVAL OF CONSENT AGENDA



Councilor Dimas moved to approve the Consent Agenda as presented. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM MARCH 9, 2015 PUBLIC WORKS COMMITTEE MEETING

Councilor Dimas moved to approve the March 9, 2015 Public Works Committee meeting minutes as submitted. Councilor Rivera seconded the motion and it passed by unanimous voice vote.

INFORMATIONAL AGENDA

6. UPDATE TO LIVE TRAIN STOP AT ZIA/ST. FRANCIS (KEITH WILSON)

Mr. Wilson said he just e-mailed the Zia Station study that was conducted in January on the potential impacts of having the train stop at the station. Prolonged delays could happen so they conducted a study to compare the delays as it is now with the having the train stopping at the Zia Station and did observation and took data. They concluded that there is no consistent pattern. The longest que was back to Candelario and cleared after about five minutes. Most of the ques were just back to Galisteo and were cleared within one or two cycles.

Chair Trujillo asked if long ones were in the morning.

Mr. Wilson said the longer ones were at 8:49 and 12:45 but it was random. The ques build up more with the gates coming down just when Zia has a green light. He measured when gates came down and when gates came up and found that the gates could be down 2-3 minutes with a stopped train rather than 1-2 minutes now. Most of the trains go through outside of the peak traffic. The conclusion is that stopping will not cause undue delays at the intersection.

He said the full recommendations are in the report. The State has approved the stops at Zia.

Through observations, the gates wouldn't stay down (while the train is at the station) so they are going to identify the appropriate mechanisms and timing to make it not unnecessarily long. They are now working on the analysis to maintain overall efficiency with a third left turn lane there.

The third issue is to change the exit phase - which direction gets a green light when the gates come up. Their goal is to have immediate green on Zia. It was difficult to determine if that was helpful or not.

They are now going to work on different signal patterns for different times of day.

Finally, they will see if they can make the pedestrian crossing at St. Francis as a two-stage crossing. That would reduce walk time. When the train activates the barriers a pedestrian could get caught in the middle.

Chair Trujillo asked in the mornings how the traffic flows.



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
MARCH 30, 2015 – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3/26/15 TIME 4:07pm

SERVED BY Yolanda Green

RECEIVED BY Slicia Hartung

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES:

Regular Finance Committee – March 2, 2015

CONSENT AGENDA



6. Request for Approval of Procurement Under State Price Agreement and Professional Services Agreement – Fire Alarm System Design and Construction at Genoveva Chavez Community Center and Salvador Perez Pool; ATI Security, Inc. (Ryan Mortillaro)
- * 7. Request for Concept Approval of Sale and Partial Vacation of Right-of-Way for Portion of Lena Street Right-of-Way Containing Approximately 3900 Square Feet Which Adjoins the Westerly Boundary of 1600 Lena Street; Las Bodegas, LLC. (Matthew O'Reilly and Edward Vigil)
8. Request for Concept Approval of Sale and Partial Vacation of Right-of-Way for Portion of El Caminito Right-of-Way Containing Approximately 2263 Square Feet Which Adjoins the Southwesterly Boundary of 830 El Caminito; Mike and Jennifer Tansey. (Matthew O'Reilly and Edward Vigil)
9. Request for Approval of Grant Award – State Grants-in-Aid for Public Libraries; New Mexico State Library and Approval of Budget Increase in the Amount of \$7,780 in Library Fund. (Patricia Hodapp)
10. Request for Approval of Procurement Under State Price Agreement – Low Voltage Wiring Products and Services at DWI Impound Lot at Camino Entrada; ATI Security, Inc. (LeAnn Valdez)
11. Request for Approval of Professional Services Agreement – Community Stewardship Services at The Santa Fe Railyard; The Santa Fe Railyard Park Stewards. (Robert Siqueiros)

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, March 30, 2015**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT CALENDAR LISTING		2-3
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE – MARCH 2, 2015	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – LOW VOLTAGE WIRING PRODUCTS AND SERVICES AT DWI IMPOUND LOT AT CAMINO ENTRADA; ATI SECURITY, INC.	Approved w/condition	4-9
REQUEST FOR APPROVAL OF FY 2015-16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN	Approved	9-11
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FY 2015/16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION IN THE AMOUNT OF \$430,042	Approved	9-11
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS FY 2015/16 AFFORDABLE HOUSING TRUST FUND (AHFT) ALLOCATION IN THE AMOUNT OF \$412,000	Approved	9-11
REQUEST FOR APPROVAL OF EMERGENCY PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – TESTING OF CRITICAL INTERFACES FOR NEW UTILITY BILLING SYSTEM IMPLEMENTATION; MOUNTAIN RIVER CONSULTING	Approved	11-12

3. APPROVAL OF AGENDA

Chair Dominguez asked to move number 19 on the Agenda to be heard as the first item under discussion.

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to approve the agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote.

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to approve the following Consent Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

CONSENT AGENDA

6. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – FIRE ALARM SYSTEM DESIGN AND CONSTRUCTION AT GENOVEVA CHAVEZ COMMUNITY CENTER AND SALVADOR PEREZ POOL; ATI SECURITY, INC. (RYAN MORTILLARO)**



7. **REQUEST FOR CONCEPT APPROVAL OF SALE AND PARTIAL VACATION OF RIGHT-OF-WAY FOR PORTION OF LENA STREET RIGHT-OF-WAY CONTAINING APPROXIMATELY 3900 SQUARE FEET WHICH ADJOINS THE WESTERLY BOUNDARY OF 1600 LENA STREET; LAS BODEGAS, LLC. (MATTHEW O'REILLY AND EDWARD VIGIL)**

8. **REQUEST FOR CONCEPT APPROVAL OF STATE AND PARTIAL VACATION OF RIGHT-OF-WAY FOR PORTION OF EL CAMINITO RIGHT-OF-WAY CONTAINING APPROXIMATELY 2263 SQUARE FEET WHICH ADJOINS THE SOUTHWESTERLY BOUNDARY OF 830 EL CAMINITO; MIKE AND JENNIFER TANSEY. (MATTHEW O'REILLY AND EDWARD VIGIL)**

9. **REQUEST FOR APPROVAL OF GRANT AWARD – STATE GRANTS-IN-AID FOR PUBLIC LIBRARIES; NEW MEXICO STATE LIBRARY AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$7,780 IN THE LIBRARY FUND. (PATRICIA HODAPP)**

10. *[Removed for discussion by Councilor Lindell]*

APPRAISAL OF
LOT LENA STREET
SANTA FE, NM 87504

DATE OF THE REPORT
JULY 9, 2015

EFFECTIVE DATE OF VALUATION
JULY 7, 2015

PREPARED FOR
LAS BODEGAS, LLC

PREPARED BY
HIPPAUF AND ASSOCIATES
404 BRUNN SCHOOL ROAD, BLDG. B
SANTA FE, NEW MEXICO 87505
TELEPHONE: (505) 988-8059 FAX: (505) 988-5743

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 Effective Date of Value: 6

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Addenda

HIPPAUF & ASSOCIATES, INC.
REAL ESTATE APPRAISERS AND CONSULTANTS

Peter H. Hippauf, MAI, SRA
Michael Dry, MAI
Tim Connelly, MAI
Richard Redinger, SRA
Kay L. Sutt, Associate

404 Brunn School Road
Building B
Santa Fe, New Mexico 87505
(505) 988-8059
FAX: (505) 988-5743
www.hippauf.com

July 9, 2015

Las Bodegas, LLC
Rick Brenner

RE:	Restricted Appraisal of Lot Lena Street Santa Fe, NM 87504
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Dear Mr. Brenner;

Pursuant to your request, I have appraised the above referenced property. The depth of discussion and supporting documentation contained in this report are specific to the needs of the client. The restricted appraisal was prepared in accordance with the Uniform Standards of Professional Appraisal Practice and is subject to the assumptions and limiting conditions found in the report.

This report is subject to the following hypothetical condition.

Hypothetical Condition

The subject lot is proposed and has not been legally subdivided or recorded. As such, this appraisal is performed as though these lots are legal lots, subdivided from their respective parent parcel and recorded in the Land Records office.

Based on my investigation and analysis, and the data and analyses contained in this report, it is my opinion the most probable market value of the fee simple ownership interest (subject to the hypothetical condition, easements and restrictions of record) in the subject 'as is' and 'as proposed' as of July 7, 2015 is:

FINAL VALUE

Subject: 3,093 square feet

Market value – As Is	Fee Simple	Twenty Three Thousand Dollars \$23,000
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I respectfully refer you to the following appraisal report containing 12 pages plus addenda. If I can be of further service to you in regard to this appraisal or in any other matter, please do not hesitate to call.

Respectfully submitted,



Tim Connelly, MAI

SUMMARY OF SALIENT FACTS, DATA AND CONCLUSIONS

Summary	
Property location	Lot Lena Street Santa Fe, NM 87504
Client	Las Bodegas, LLC
Owner of record	City of Santa Fe
Current use	Vacant land
Highest and best use	Commercial
Date of valuation	July 7, 2015
Date of report	July 9, 2015
Purpose of the appraisal	Estimate market value
Intended use of the appraisal	Land purchase
Intended user of the appraisal	Client
Land area – per boundary survey	3,093 square feet
Zoning	I-1 Industrial



Value	
Final Value – 3,093 square feet	\$23,000

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have not performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*
- I have made a personal inspection of the property that is the subject of this report.
- The use of this appraisal report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, Tim Connelly has completed the continuing education program for Designated Members of the Appraisal Institute
- As of the date of this report, Tim Connelly has completed the requirements for the continuing education program of the State of New Mexico Real Estate Appraisers Board for General Certification.

Certified by,



Tim Connelly, MAI
N.M. General Certificate #03225G

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report has been prepared with the following specific assumptions:

1. It is assumed that the supporting documentation provided for the appraisal is correct.
2. I have relied on information prepared by licensed professionals in making certain decisions in the process of this appraisal. I have accepted this information as accurate, based on the fact that they represent matters beyond my expertise as an appraiser along with the fact that they were prepared by recognized professionals.

This report has been made with the following general assumptions:

3. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
4. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
5. Responsible ownership and competent property management are assumed.
6. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
7. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging engineering studies that may be required to discover them.
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the report.
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconforming use has been stated, defined, and considered in the report. Please refer to the discussion of zoning found within the report.
11. It is assumed that all required licenses, permits, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
13. Unless otherwise stated in this report, the existence of hazardous substances, including, without limitation, asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to my attention nor

did I become aware of such during the inspection. I have no knowledge of the existence of such materials on or in the property unless otherwise stated. However, I am not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, ureaformaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such condition, or for any expertise or engineering knowledge required to discover them.

14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

The report has been prepared with the following limiting conditions:

15. The conclusions expressed in this appraisal report apply only as of the stated date of the appraisal and I assume no responsibility for economic or physical factors occurring at some later date which may affect the opinions stated herein.
16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization.
17. By reason of the assignment I am not required to give consultation, testimony, or be in attendance in court or any other hearing with reference to the property unless written contractual arrangements have been previously made relative to such additional services.
18. Disclosure of the contents of the report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
19. Neither all, nor any part of this report, or copy thereof shall be used for any purposes by anyone other than the client to which the report is addressed without the prior written consent of the appraiser, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, or any other means of communication (including without limitation prospectus, private offering memoranda and other offering material provided to prospective investors) without the prior written consent of the appraiser.
- 20.

Hypothetical Condition

The subject lot is proposed and has not been legally subdivided or recorded. As such, this appraisal is performed as though these lots are legal lots, subdivided from their respective parent parcel and recorded in the Land Records office.
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