

MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

THE PRESERVE AT RIO

MAJOR FINAL SITE PLAN

Applicant Rio North Dixie, LLC, Josh Simon

Owner: Rio North Dixie, LLC

Agent for the Applicant: Cotleur & Hearing, George Missimer

County Project Coordinator: Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review

Administrator

Growth Management Director: Paul Schilling Project Number: S241-017

Record Number: DEV2022090015

Report Number: 2024_0620_S241-017_Staff_Report_Final

Application Received: 10/27/2022 Transmitted: 10/31/2022 Staff Report: 01/27/2023 Resubmittal Received: 05/17/2023 Transmitted: 05/19/2023 Staff Report: 07/19/2023 Application Received: 01/30/2024 Transmitted: 02/01/2024 Staff Report: 03/07/2024 Application Received: 05/31/2024 Transmitted: 06/03/2024 Staff Report: 06/20/2024

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B. Project description and analysis

This is a request by Cotleur & Hearing on behalf of Rio North Dixie, LLC for approval of a major final site plan approval to develop 145 residential units consisting of multi-family, townhome and live/work units and the associated infrastructure on an approximately 14.34-acre undeveloped parcel located in the

Rio Community Redevelopment Agency (CRA) area. As the project is no longer phased, the final site plan will replace the previously approved master plan. The site plan is consistent with the previously approved master plan with some minor changes proposed. The subject site is located on the north side of NE Dixie Highway west of NE Martin Avenue. Included in this application is a request for a Certificate of Public Facilities Reservation.

The future land use of the property is CRA Center and the zoning is Rio Redevelopment Zoning District with the General and Core Subdistrict designation. The proposed density is under the permitted 15 dwelling units per acre. Two access points are proposed from NE Dixie Highway and one access point from the extension of NE Charlotte Street and one access through the extension of NE Olive Street. Included with this application is off site improvements to NE Dixie Highway including a new traffic circle.

The project is within the Primary Urban Service Boundary and water and wastewater will be provided by Martin County Utilities.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Liz Nagal	320-3056	Non-Comply
G	Development Review	Liz Nagal	320-3056	Non-Comply
Н	Urban Design	Liz Nagal	320-3056	N/A
Н	Community Redevelopment	Jordan Pastorius	288-5461	Comply
I	Property Management	Ellen Macarthur	288-1334	Non-Comply
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjoholm	288-5909	Non-Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Kaitlyn Sullivan	288-5920	Non-Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	Jorge Vazquez	221-1448	Comply
O	Wellfields	Jorge Vazquez	221-1448	Comply
P	Fire Prevention	Doug Killane	288-5633	Comply
P	Emergency Management	Sally Waite	285-2298	Comply
Q	ADA	Kaitlyn Sullivan	288-5920	Comply
R	Health Department	Nick Clifton	221-4090	N/A
R	School Board	Mark Sechrist	223-3105	Comply
S	County Attorney	Elysse Elder	288-5925	Ongoing
T	Adequate Public Facilities	Liz Nagal	320-3056	Pending

D. Review Board action

This application meets the threshold requirements for a major development, with a previously approved master plan, pursuant to Table 10.2.C.1.B., LDR, Martin County, Fla. (2023), and requires one public meeting.

The public meeting shall be before the Board of County Commissioners, who will take final action on the request, pursuant to Table 10.5.F.9., LDR, Martin County, Fla. (2023).

Pursuant to Sections 10.1.E. and 10.2.B.2, Land Development Regulations, Martin County, Fla. (2019), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant is required to re-submit materials in response to the non-compliance findings within this report. Upon receipt, the re-submitted materials will be transmitted for review to the appropriate review agencies and individuals that participate in the County's review process. A revised staff report will be created once the next review cycle has been completed.

E. Location and site information

Parcel number(s) and address: 283741000013002909

283741000014003005 283741001012000109

No Address

Existing Zoning: Rio Redevelopment Area

CRA Subdistrict: General and Core

Future land use: CRA Center Gross area of site: 14.34 acres

Parcel 1 ID: 283741001012000109 Parcel 2 ID:283741000014003005 Parcel 3 ID:283741000013002909 Martin County Parcel

Figure 1: Location Map

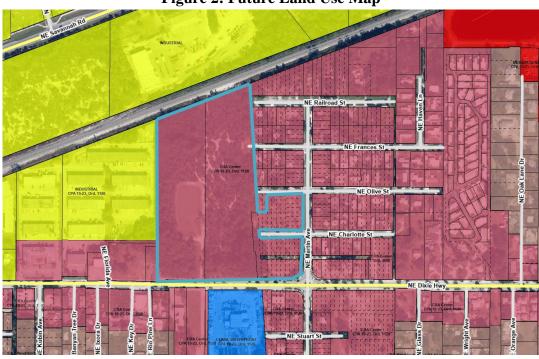
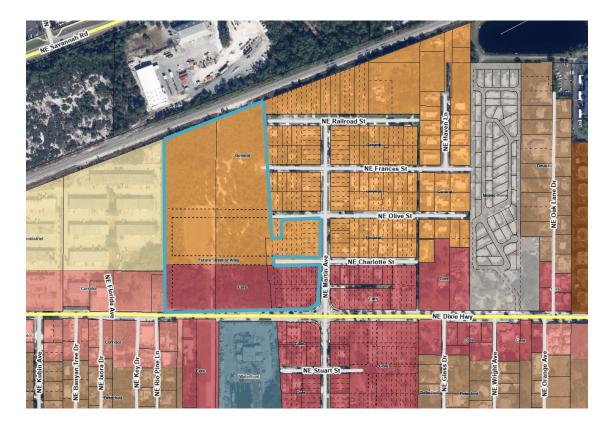


Figure 2: Future Land Use Map

Figure 3: CRA Subdistrict



F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Unresolved Issues:

Item #1:

Generic Comp Plan Compliance:

This application cannot be deemed to be in compliance with the Martin County Comprehensive Growth Management Plan (CGMP) until the issues identified in this report have been satisfactorily resolved. Martin County, Fla., CGMP, § 1.3

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Unresolved Issues:

Item #1

Informational:

- 1. If the ROW dedication happens prior to the site plan approval, the legal description on the final version of the plan can be updated to reflect.
- 2. The project is dependent on the improvements to Dixie Highway. See Section I and M for additional information on the review process for the proposed ROW work.
- 3. The project as depicted on the latest site plan is dependent on the acceptance of the proposed ROW Abandonment of N.E. Charlotte Street. The ROW abandonment application can run separately but concurrent with the project.

Item #2

Data Tables:

- 1. Required open space is 20%, please update. The "required" line changed from the last round's submittal. The provided open space changed from last round, please update if necessary.
- 2. Remove note regarding final location of drainage easement in ORB 2448, PG 2305 as the plan notes the easement to be abandoned.

Item #3:

Site Plan Graphics

- 1. Please revise north arrow on site plan sheet 2 of 5
- 2. Please add dimension from north and west property line to amenity pavers and shade structure to assist with future permits.

Draft Conditions of Approval:

- 1. The civic open space between Building I and NE Dixie Highway shall not be fenced in and shall remain open to the general public from dawn to dusk. The civic open space shall be maintained by the developer, its successors or assigns.
- 2. An easement shall be established for the proposed bus stop location.

H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department

Commercial Design

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Community Redevelopment Area

See Section G for architectural comments.

I. Determination of compliance with the property management requirements – Engineering Department

It has been determined that a Drainage, Access and Maintenance Easement (DAME) is required along the entire western side of the property covering the 70' wide dry retention area. The DAME will then round onto NE Dixie Highway over the piping narrowing from 70' to 10' wide. The following is a list of due diligence to be provided:

TITLE COMMITMENT

- 1. Original Title Commitment for the proposed easement site(s).
- 2. The Proposed Insured is: Martin County, a political subdivision of the State of Florida
- 3. The Insurable Amount is subject to approval by the Real Property Division.
- 4. Legible copies of all documents listed on the Title Commitment as B-II Exceptions must be provided with the Title Commitment.

BOUNDARY SURVEY - SKETCH AND LEGAL DESCRIPTION

- 1. Two (2) original signed and sealed Boundary Surveys of the easement site (s).
- 2. The Survey must be certified to Martin County, a political subdivision of the State of Florida and to the Title Company.
- 5. The Survey must be prepared with the benefit of the Title Commitment and include the Commitment Number, Name of the Title Company and Date and Time of the Commitment.
- 6. Parcel ID number(s) must be included.
- 7. All title exceptions that can be plotted must be shown on the Survey.
- 8. The legal description for the easement site(s) on the Survey must match the legal description on the proposed Plat or Planned Unit Development (PUD), if applicable.
- 9. Two (2) original 8 ½" by 11" signed and sealed Sketch and Legal Descriptions of the easement site(s) must be provided.

It has also been determined that the Applicant is required to dedicate right of way for the roundabout on NE Dixie Highway pursuant to Section 4.843.B.4, Land Development Regulations, Martin County, Fla. (2010).

Note 1: It has also been determined by Engineering that all the dedications on NE Dixie Highway will take place under a Right-of-Way Use Permit (ENG2024040016)

Note 2: The applicant did provide a sketch and legal description of the dedication site. Required revisions are attached to the Staff Report.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

Environmental

Finding of Compliance:

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations. A 3.16 acre upland preserve area will be established with a Preserve Area Management Plan (PAMP) as part of this development. The upland preserve is comprised of rare, unique upland habitat in a consolidated area on the north end of the project.

Landscaping

Unresolved Issues:

Applicant's most recent response comments are *italicized below* followed by staff review comments:

Item #1:

Landscape Tabular Data

Previous comment/response:

1. Identify proposed FL native plant species in the Landscape Tabular Data and demonstrate that at least 75% of required trees and shrubs, and at least 50% of required groundcover species provided consist of native species.

Response: Acknowledged, native shrubs have been increased to meet 75% requirement.

Remedy/Suggestion/Clarification:

Landscape plans still do not propose a minimum of 75% of shrubs to be native species. Because Hamelia patens 'compacta' is also not a native, only 62% of shrubs consist of native species. However, it is appreciated that percentage of native shrubs has been increased. Since percentage of native groundcovers exceeds minimum requirements, it can be utilized but please correct designation.

Corrective Action required:

Per the acceptance noted above, update landscape plan to identify Hamelia patens 'compacta' as a non-native species.

Item #2:

Landscape Native Tree Protect & Survey - Previous comment/response:

A tree survey is required to identify specific native trees required to be protected from development [Section 4.666, LDR]. Please note that trees in proposed preservation areas, palm trees and non-native species need not be identified on this survey. Existing native vegetation shall be retained to act as buffers between adjacent land uses, and to minimize nuisance dust noise and air pollution during construction.

A tree survey and disposition table have now been included with this supplement to the re-submittal. However, trees located within the preserve area have been included as providing preservation credits. In compliance with Section 4.664.F.2.(c), trees located within required preserve areas cannot be utilized for preservation credits. See trees # 497-501, 542-560 located within the preserve. Tree #'s 497-501 are incorrectly identified as being located within a development area and credited as providing for 22 preservation credits.

Trees 595-596 cannot be allocated for preservation credits as they are off-site trees.

While required tree mitigation is allocated, trees 480-492 are mis-identified as being in a preserve, they are not, correct this designation.

Updated Response: Trees 595-596 are reflected as being offsite with no preservation credits.

Trees scheduled to be removed have been shown as to be removed and credits for their mitigation assigned. Likewise, all trees off site are shown as to remain. All trees that can be preserved have been designated as to be preserved.

Trees 480-492 have been correctly assigned their location.

Remedy/Suggestion/Clarification

Comment not addressed. Was the tree disposition table submitted with this round submittal an incorrect/older version? All data appears to be the same on both rounds. The revision date on the plans stamped as received on May 31, 2024 is 2.21.24. This is the same revision date for round 3 submitted on March 7, 2024.

Corrective Action required:

Submit revised plans upon your review and verification that the tree disposition plans were updated, and a correct revision is submitted. Correct the tree locations and Mitigation Preserve credits to remove any trees sited in the preserve area as qualifying for tree credits. Also verify that the trees are correctly labeled as in/out of the preservation and development areas as noted above.

K. Determination of compliance with transportation requirements - Engineering Department

CRAs are designated Transportation Concurrency Exception Areas (TCEA). Development within the TCEAs shall be exempt from the County's transportation concurrency requirement. [Martin County Comprehensive Growth Management Plan, Policy 18.4D.1. (2018)]

L. Determination of compliance with county surveyor - Engineering Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

M. Determination of compliance with engineering, storm water and flood management requirements

- Engineering Services Department

Engineering

Unresolved Issues:

Right-of-Way Improvements:

- 1. As previously stated, in addition to Final Site Plan approval, a Right of Way Use Permit Application will be required for NE Martin Avenue and NE Olive Street prior to scheduling a preconstruction meeting.
- 2. As previously stated, a Right-of-Way abandonment is required for the platted ally in block 13 of the Rio St Lucie Terrace Plat recorded in Plat Book 1, Page 14B. Submit a Right of Way Abandonment Application. The abandonment application can be found on the County website.
- 3. As previously stated, a Right-of-Way abandonment for NE Charlotte St was stipulated on the approved Master Site Plan, if a ROW abandonment is not being done then a Revised Master Site Plan is required and a right of way maintenance agreement will need to executed.
- 4. Informational: No Right-of-Way abandonment applications have been received. Contact Tom Walker at twalker@martin.fl.us with any questions.

Stormwater Management Report:

- 1. As previously stated, proposed development cannot block off-site flows. Adequately address how this development will accommodate offsite flows from surrounding lots. Specifically including but not limited to lots 16 through 19 in block 10, lots 12 through 16 in block 11 and lots 13 & 14 in block 12, Rio St Lucie Terrace recorded November 25, 1925, in Plat book 1 Page 14B. Sections were not provided to demonstrate off-site flows from the lots listed above will not be blocked. Cross-section W is referred in the response to comments but was not provided in the Construction Plans.
- 2. As previously stated, although the water quality calculation was revised, the volume must be increased by a factor of 1.25 for dry detention per LDR Section 4.385.F.4. The response to comments indicates that this is a retention system, which is inconsistent with the design proposed.

Stormwater Management Construction Plans:

1. As previously stated, show the location and elevation of all the perimeter berms on the construction plan sheets. Although location of perimeter berm is now specified, it appears that in some locations, the buildings are being relied upon for perimeter containment. The Construction

Plans must clearly specify that roof drains are required that collect and direct stormwater runoff from these buildings into the stormwater management system. A note as not provided on the Construction Plans.

Development Order conditions:

- 1. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.
- N. Determination of compliance with addressing and electronic file submittal requirements Growth Management and Information Technology Departments

Addressing

Findings of Compliance

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2022).

Electronic Files

Findings of Compliance

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2023)

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater Service

Findings of Compliance:

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

Wellfield and Groundwater Protection

Findings of Compliance:

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

Fire Prevention

Findings of Compliance

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

Emergency Management

The Emergency Management Division finds this submittal to be in compliance based on submitted evacuation procedures and plans.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

ADA

Findings of Compliance:

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. [2020 Florida Building Code, Accessibility, 7th Edition]

R. Determination of compliance with Martin County Health Department and Martin County School Board

Martin County Health Department

The applicant has indicated that the proposed final site plan contains no onsite potable wells or septic disposal systems. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Code requirements within the Land Development Regulations or Comprehensive Growth Management Plan. MARTIN COUNTY, FLA., LDR SECTION 10.1.F. (2016)

Martin County School Board

THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA

Facilities Department

District Office, 1939 SE Federal Highway, Stuart, FL 34994 • Telephone (772) 219-1200 ex.30131



Martin County School District General School Capacity Analysis

This general analysis is completed to meet the development review policies specified in Section 6.2.6 of the Martin County, City of Stuart, and Martin County School Board Interlocal Agreement for School Facilities Siting and Planning, and Section 17.7 Public School Facilities Element of the Martin County Comprehensive Plan.

Applicant/Project: Rio North Dixie, LLC – Daniel T. Sorrow 561-406-1012

Project Name: The Preserve

Parcel # - 283741000013002909, 283741000014003005, 28374100109

Date: 12/06/2022

Request: Request for a General School Capacity Analysis for PUD 145 unit

community on 14.339 acres, located North side of E. Dixie Hwy.

Student Generation Calculation:

Residential Units	145
Current Student Generation Rate	.1987
Elementary	13
Middle	7
High	8
Total Forecasted	28

School Zone Enrollment & Permanent Capacity:

Enrollment Numbers below reported from FOCUS, Projections through School District CIP Application 2022-2023 2024-2025 2024-2025 LOS (as of **CSA** COFTE 10/31/2022) Concurrency Projected Enrollment Enrollment Capacity North Zone - Elementary (Felix A. Williams, 1093 998 1603 Jensen Beach El) Stuart Zone -Middle (Stuart) 861 904 1335 North Zone - High 1577 1538 1914 School (Jensen Beach High)

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THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA

Facilities Department





Comments: This General School Capacity Analysis shall be used in the evaluation of a development proposal but shall not provide a guarantee that the students from the above-referenced project will be assigned to attend the particular school(s) listed. The analysis indicates the elementary, middle and high school enrollment is projected to meet the Concurrency (LOS) Level of Service capacity.

A School Concurrency Review is completed for Final Site Plan applications that include residential units.

Prepared by: Leslie A. Daly Facilities Administrative Assistant 772-219-1200 Ext. 30131 dalyl@martinschools.org

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S. Determination of compliance with legal requirements - County Attorney's Office

Review Ongoing

T. Determination of compliance with the adequate public facilities requirements - responsible departments

The following is a summary of the review for compliance with the standards contained in Article 5.7.D of the Adequate Public Facilities LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – PositiveEvaluation

Source – Utilities Department

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source – Utilities Department

Reference - see Section O of this staff report

Solid waste facilities

Findings – In Place

Source - Growth Management Department

Stormwater management facilities

Findings – Pending evaluation

Source - Engineering Department

Reference - see Section N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings – Pending Evaluation

Source - Engineering Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – Positive Evaluation

Source - Engineering Department

Reference - see Section L of this staff report

Public safety facilities
Findings – In place
Source - Growth Management Department
Reference - see Section P of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

U. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below.

Item	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.
2.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.
3.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.
4.	Warranty Deed	One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.

Item	Description	Requirement
5.	Unity of Title	Original and one (1) copy of the current Unity of Title in standard County format if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating so that no transfer has occurred.
6.	Construction Plans	One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled
7.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
8.	Approved Architectural Elevations	One (1) copy 24" x 36" of the approved architectural elevations. Only the elevations are required, no mechanical, electrical, plumbing, stair/elevator, window details, etc.
9.	Digital Copy of Site Plan	One (1) digital copy of the site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
10.	Engineer's Design Certification	Original of the Engineer's Design Certification, on the County format which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.
11.	Water & Wastewater Service Agreement	Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Regional Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
12.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits to Martin County prior to scheduling the pre-construction meeting.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

Fee amount:	Fee payment:	Balance:
\$9,127.00	\$9,127.00	\$0.00
\$4,000.00		\$4,000.00
TBD		
TBD		
TBD		
	\$9,127.00 \$4,000.00 TBD TBD	\$9,127.00 \$9,127.00 \$4,000.00 TBD TBD

- * Advertising fees will be determined once the ads have been placed and billed to the County.
- ** Recording fees will be identified on the post approval checklist.
- *** Required at building permit

X. General application information

Applicant/Owner: Rio North Dixie, LLC, Josh Simon

601 Heritage Drive, Suite #227

Jupiter, FL 33458

Agent: Cotleur & Hearing, George Missimer

1934 Commerce Lane, Suite 1

Jupiter, FL 33458

Engineer of Record: Simmons and White, Greg Bolen, PE

2581 Metrocentre Boulevard, Suite 3

West Palm Beach, FL, 33407

561-644-4312

ADA..... Americans with Disability Act

MCHD...... Martin County Health Department NFPA National Fire Protection Association

SFWMD...... South Florida Water Management District W/WWSA.... Water/Waste Water Service Agreement

bolen@simmonsandwhite.com

Y. Acronyms

Z. Attachments