

460



**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** Redevelopment Agency

**SUBMITTAL DATE:**  
March 9, 2010

**SUBJECT:** RDA Resolution No. 2010-012 Authorization to Purchase Real Property in the Unincorporated Community of Thermal, A portion of APN 763-250-037 - 4<sup>th</sup> District

**RECOMMENDED MOTION:** That the Board of Directors:

1. Adopt RDA Resolution No. 2010-012, Authorization to Purchase Real Property in the Unincorporated Community of Thermal, consisting of a portion of Assessor's Parcel Number 763-250-037 between the Redevelopment Agency and Mr. Anthony VanDiest;
2. Approve and authorize the Chairman of the Board to execute the Acquisition Agreement pertaining to the purchase of a portion of Assessor's Parcel Number 763-250-037;
3. Allocate the sum of \$99,000 for the purchase of real property plus escrow costs; and
4. Authorize the Executive Director of the Redevelopment Agency or designee to take all necessary steps to implement the Acquisition Agreement including signing subsequent and necessary related documents to complete this transaction.

**BACKGROUND:** (Commences on Page 2)

*Robert Field*  
 Robert Field  
 Executive Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 99,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	09/10

<b>COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA:</b> No		
<b>SOURCE OF FUNDS:</b> Thermal Sub-Area of the Desert Communities Project Area- Redevelopment Capital Improvement Funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

By *Jennifer L. Sargent*  
 Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL  
 BY: *Michelle Clack*  
 MICHELLE CLACK  
 DATE: 3/24/10  
 Departmental Concurrence

Policy  
 Policy

Consent  
 Consent

Dept't Recomm.:  
 Per Exec. Ofc.:

Prev. Agn. Ref.:      District: 4      Agenda Number:

4.2

Redevelopment Agency

RDA Resolution No. 2010-012 Authorization to Purchase Real Property in the Unincorporated  
Community of Thermal, Portion of APN 757-062-001 – 4<sup>th</sup> District

March 25, 2010

Page 2

**BACKGROUND:**

The Redevelopment Agency has identified a portion of Assessor Parcel Number 763-250-037 to purchase for redevelopment purposes, for the proposed Thermal Irrigation Line project.

On July 21, 2009 the Redevelopment Agency Board of Directors approved Thermal Water, Sewer and Road Improvements Project Agenda Item 4.9. The Thermal Water, Sewer and Road Improvements Project involves the installation of water lines, sanitation sewer lines, road improvements and the replacement of irrigation and drain lines within the Thermal Sub Area of the DCPA. The improvements are necessary to provide the domestic water, sewer and fire flow requirements for the development of current and future public projects. The lines must be replaced within existing easements because they were not designed to withstand traffic loads that the new road improvements will bring.

The funding for the Thermal Water, Sewer and Road Improvements Project will come from Redevelopment Agency capital improvements funds, Desert Communities Project Area, and will not require General Funds.

The Agency staff has successfully negotiated a settlement of the acquisition of the Property which consists of 33,977 square feet or less owned by Mr. Anthony Van Diest at a purchase price of \$96,000 plus escrow fees for a total cost of \$99,000. This value is consistent with current property values of comparable properties based on an independent fee appraisal report.

Notice of publication to satisfy the California Health and Safety Code Section 33397 and Government Code Section 6063 has been published on March 6, March 13, March 20 and March 27. See attached proof of publication.

Agency staff recommends approval of Resolution No. 2010-012 and allocation of \$99,000 from the Thermal Sub-Area of the Desert Communities Project Area- Redevelopment Capital Improvement Funds.

NOTICE OF PUBLIC HEARING FOR THE PURCHASE OF REAL PROPERTY  
BY THE REDEVELOPMENT AGENCY IN THE UNINCORPORATED AREA  
OF THERMAL  
ASSESSOR'S PARCEL NUMBER 763-250-037  
(Fourth Supervisorial District)

Notice is hereby given pursuant to California Health and Safety Code Section 33679, Section 33397 and Government Code 6063 that the Board of Directors of the Redevelopment Agency for the County of Riverside shall consent to the purchase of real property by the Redevelopment Agency for the County of Riverside ("Agency"), identified as a portion of Assessor's Parcel Number 763-250-037, the ("Subject Property"), for redevelopment purposes to install an Irrigation line ("Proposed Project"). The Subject Property is located in the Thermal area of Riverside County, State of California.

The proposed acquisition of the Subject Property particularly described as a .78 acre of APN 763-250-037 will be purchased at a total price of \$96,000 from Anthony Van Diest. The Agency's Board of Directors will consider the approval of this proposed purchase on April 6, 2010 or as soon thereafter as the Board agenda permits, at the Riverside County Administrative Center, 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

This notice of Publication satisfies the California Health and Safety Code Section 33397 and Government Code Section 6063.

At anytime, not later than the hour set forth above, any person may submit written comments regarding this proposed action to the Clerk of the Board of Directors at the above address. At the hour set forth above, the Board of Directors shall proceed to hear and pass upon all written and oral testimony relating to the proposed acquisition of the Subject Property. Interested persons may contact the Riverside County Economic Development Agency, 3403 10<sup>th</sup> St. Riverside, CA 92501 or by calling Yolanda King, Real Property Agent at (951) 955-9656.

**THE  
PRESS-  
ENTERPRISE**

**CLASSIFIED  
ADVERTISING**

**PROOF**

Printed by: Tinajero, Maria  
at: 2:44 pm  
on: Thursday, Mar 04, 2010

Ad #: 10185568

3450 Fourteenth St.  
Riverside, CA 92501-3878  
**1-800-880-0345**  
**951-684-1200**  
**951-368-9018 Fax**

**Account Information**

Phone #: (951) 955-8069  
Name: EDAWDC COUNTY OF  
RIVERSIDE  
Address: 1325 SPRUCE ST STE 400  
RIVERSIDE CA 92507-0506  
Acct #: 300444  
Client:  
Placed by: Yolanda King  
Fax #: (951)

Ad Copy:

**NOTICE OF PUBLIC HEARING FOR THE  
PURCHASE OF REAL PROPERTY BY THE  
REDEVELOPMENT AGENCY IN THE  
UNINCORPORATED AREA OF THERMAL  
ASSESSOR'S PARCEL NUMBER 763-250-037  
(Fourth Supervisorial District)**

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3/6, 13, 20, 27

**Ad Information**

Classification: Legals  
Publications: Press-Enterprise

Start date: 03-06-10  
Stop date: 03-27-10  
Insertions: 4

Rate code: LE-County  
Ad type: Ad Liner  
Taken by: Tinajero, Maria

Size: 2x47.470  
Bill size: 95.00x 5.14 agate lines

Amount due: \$465.50

1 **BOARD OF DIRECTORS**

**REDEVELOPMENT AGENCY**

2 **RDA RESOLUTION NO. 2010-012**  
3 **AUTHORIZATION TO PURCHASE REAL PROPERTY IN THE**  
4 **UNINCORPORATED COMMUNITY OF THERMAL**  
5 **APN 763-250-037**  
6 **(Fourth Supervisorial District)**

7 **WHEREAS**, the Redevelopment Agency for the County of Riverside, ("Agency")  
8 is a redevelopment agency duly created, established and authorized to transact  
9 business and exercise its powers, all under and pursuant to the provisions of the  
10 Community Redevelopment Law which is Part 1 of Division 24 of the California Health  
11 and Safety Code (commencing with Section 33000 et seq.); and

12 **WHEREAS**, on July 20, 1999, the Riverside County Board of Supervisors  
13 adopted Ordinance No. 795 amending and merging several project area and approving  
14 the redevelopment plan for the Desert Communities Project Area, ("Project Area"); and

15 **WHEREAS**, pursuant to Section 33670 of the Health and Safety Code, Agency  
16 began receiving tax increment from the Project Areas in January 1988, and continues to  
17 receive annual tax increment revenue; and

18 **WHEREAS**, pursuant to the provisions of the Community Redevelopment Law,  
19 Section 33391 of the Health and Safety Code, the Agency may acquire, within a survey  
20 area or for the purpose of redevelopment, any interest in real property; and

21 **WHEREAS**, based on an independent fee appraisal report, the Agency  
22 negotiated a purchase price of \$96,000 plus escrow costs of approximately \$3000 for  
23 the real property identified as Assessor's Parcel Number 763-250-037, ("Property"),  
24 more particularly described in Exhibit "A" and "B" attached hereto and incorporated  
25 herein by reference; and

26 **WHEREAS**, the Property is owned by Anthony VanDiest, an individual, who  
27 wishes to sell the Property to Agency; and

28 **WHEREAS**, the Property is located in the Thermal Sub-Area of the Desert  
Communities Redevelopment Project Area, ("Project-Area"); and

**WHEREAS**, the Agency is purchasing 33,977 square feet more or less of the

FORM APPROVED COUNTY COUNSEL  
BY:  3/29/10  
DATE  
MICHELLE CLACK

1 Property for redevelopment purposes, that will assist in implementing the  
2 Redevelopment Plan ("Plan") for the Project Area and assist in the Thermal Water,  
3 Sewer and Road Improvements within the Project Area; and

4 **WHEREAS**, on July 21, 2009, the Board of Directors adopted a Mitigated  
5 Negative Declaration and Mitigation Monitoring Program for the Thermal Water, Sewer  
6 and Road Improvements and made the findings required by Section 33445 of the Health  
7 and Safety Code.

8 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of  
9 Directors of the Redevelopment Agency for the County of Riverside, State of California,  
10 in regular session assembled on April 6, 2010, as follows:

11 1. That the Board of Directors hereby finds and declares that the above  
12 recitals are true and correct.

13 2. That the Redevelopment Agency for the County of Riverside is authorized  
14 to purchase a portion of the Property identified as Assessor's Parcel Number 763-250-  
15 037 in the unincorporated community of Thermal.

16 3. That the purchase price including escrow fees for the Property is \$99,000.

17 4. That the Chairman of the Board of Directors is hereby authorized to  
18 execute any and all documents necessary to purchase the Property.

19 5. That the Executive Director of the Redevelopment Agency or designee is  
20 hereby authorized to execute subsequent and relevant documents necessary to  
21 complete this purchase.

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Project: Thermal Irrigation Line  
APN: A portion of 763-250-037  
Address: 55998 Harrison St.

## ACQUISITION AGREEMENT

This ACQUISITION AGREEMENT, herein called "Agreement," is made by and between the Redevelopment Agency for the County of Riverside, herein called "Agency," and Anthony VanDiest, as his separate estate herein called "Grantor."

Grantor has executed and will deliver to Yolanda King, Real Property Agent for the Agency or to the designated escrow company, a Grant Deed dated Feb. 11, 2010, identifying a portion of Assessor's Parcel Number 763-250-037, herein called the "Property," and more particularly described in Exhibit "A" and "B" attached hereto and made a part hereof, in consideration of which it is mutually agreed as follows:

1. Agency shall:

A. Pay to the order of Grantor the sum of Ninety Six Thousand Dollars (\$96,000) for the Property, or interest therein, conveyed by said deed, when title to said property or interest vests in Agency free and clear of all liens, encumbrances, easements, leases (recorded or unrecorded), and taxes, except those encumbrances and easements which, in the sole discretion of Agency are acceptable.

B. Handle real property taxes, bonds, and assessments in the following manner:

1. All real property taxes shall be prorated, paid, and canceled pursuant to the provisions of Section 5081 et. seq, of the Revenue and Taxation Code.

2. Agency is authorized to pay from the amount shown in Paragraph 1A herein, any unpaid taxes together with penalties, cost and interest thereon, and any bonds or assessments that are due on the date title is transferred to, or possession is taken by Agency, whichever first occurs.

C. Pay buyers typical escrow, recording, reconveyance, and any other fees incurred in this transaction, and if title insurance is desired by Agency, the premium charged therefore.

1           2.     Grantor shall:

2           A.     Indemnify, defend, protect, and hold Agency, its officers, employees, agents,  
3 successors, and assigns free and harmless from and against any and all claims, liabilities,  
4 penalties, forfeitures, losses, or expenses, including without limitation, attorneys' fees,  
5 whatsoever, arising from or caused in whole or in part, directly or indirectly, by either (a) the  
6 presence in, on, within, under, or about the parcel of hazardous materials, toxic substances, or  
7 hazardous substances as a result of Grantor's use, storage, or generation of such materials or  
8 substances or (b) Grantor's failure to comply with any federal, state, or local laws relating to such  
9 materials or substances. For the purpose of this Agreement, such materials or substances shall  
10 include without limitation hazardous substances, hazardous materials, or toxic substances as  
11 defined in the Comprehensive Environmental Response, Compensation, and Liability Act of  
12 1980, as amended, 42 U.S.C. Section 9601, et seq.; the Hazardous Materials Transportation Act,  
13 49 U.S.C. Section 1801, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C.  
14 Section 6901, et seq.; and those substances defined as hazardous wastes in Section 25117 of  
15 the California Health and Safety Code or hazardous substances in Section 25316 of the  
16 California Health and Safety Code; and in the regulations adopted in publications promulgated  
17 pursuant to said laws.

18           B.     Be obligated hereunder to include without limitation, and whether  
19 foreseeable or unforeseeable, all costs of any required or necessitated repair, clean-up,  
20 detoxification, or decontamination of the parcel, and the preparation and implementation of any  
21 closure, remedial action, or other required plans in connection therewith, and such obligation  
22 shall continue until the parcel has been rendered in compliance with applicable federal, state,  
23 and local laws, statutes, ordinances, regulations, and rules.

24           3.     Any and all moneys payable under this contract, up to and including the total  
25 amount of unpaid principal and interest on the note secured by Deed of Trust recorded or  
26 unrecorded, shall, upon demand, be made payable to the beneficiary entitled thereunder; said  
27 beneficiary to provide a reconveyance as to a portion of APN 763-250-037, and to furnish  
28 Grantor with good and sufficient receipt showing said moneys credited against the indebtedness



1 secured by said Deed of Trust.

2 Grantor hereby authorizes and directs the disbursement of funds which are demanded under the  
3 terms of said Deed of Trust.

4 4. The close of escrow is subject to an acceptable Phase 1 Environmental Site  
5 Assessment Report. Said report shall be the sole responsibility of Agency.

6 5. It is mutually understood and agreed by and between the parties hereto that the  
7 right of possession and use of the subject Property by Agency, including the right to remove and  
8 dispose of improvements, shall commence upon the execution of this Agreement by all parties.

9 The amount shown in Paragraph 1A includes, but is not limited to, full payment for such  
10 possession and use.

11 6. Grantor recognizes and understands that the consideration hereunder may  
12 originate from local, state, and/or federal sources; and therefore, Agency shall have the right to  
13 terminate this transaction if:

14 A. Such funding is reduced or otherwise becomes unavailable, based on  
15 Agency annual fiscal budget.

16 B. If any law, rule or regulation precludes, prohibits or materially adversely  
17 impairs Agency's ability to use the Premises for the use permitted herein.

18 C. If Agency in its sole discretion determines that the Premises are no longer  
19 suitable for its use for any reason or cause. Agency shall provide Grantor with written notification  
20 of its election to terminate this transaction at least 30 days prior to the date of close of escrow.  
21 Agency's notice shall state reason for its termination.

22 7. Grantor hereby agrees and consents to the dismissal of any condemnation action  
23 which has been or may be commenced by Agency in the Superior Court of Riverside County to  
24 condemn said land, and waives any and all claim to money that has been or may be deposited in  
25 court in such case or to damages by reason of the filing of such action.

26 8. The performance by Agency of its obligations under this Agreement shall relieve  
27 Agency of any and all further obligations or claims on account of the acquisition of the property  
28 referred to herein or on account of the location, grade, or construction of the proposed public

1 improvement.

2 9. This Agreement shall not be changed, modified, or amended except upon the written  
3 consent of the parties hereto.

4 10. This Agreement is the result of negotiations between the parties and is intended by  
5 the parties to be a final expression of their understanding with respect to the matters herein  
6 contained. This Agreement supersedes any and all other prior agreements and understandings,  
7 oral or written, in connection therewith. No provision contained herein shall be construed against  
8 Agency solely because it prepared this Agreement in its executed form.

9 11. Grantor, his assigns and successors in interest, shall be bound by all the terms and  
10 conditions contained in this Agreement, and all the parties thereto shall be jointly and severally  
11 liable thereunder.

12 12. This Agreement shall have no force or affect whatsoever unless and until it is signed  
13 by all three of the undersigned parties.

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1 13. The acquisition of the Property shall be contingent upon the approval by the County  
2 Board of Directors of the Authorization to Purchase and the approval of the Agreement. This  
3 contingency will be removed from escrow upon the receipt of the Agreement signed by the  
4 County Board of Directors.

5  
6 Dated: Feb 11 2010

Anthony VanDiest  
Anthony VanDiest

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8  
9 RECOMMENDED FOR APPROVAL:

10 By: Yolanda King  
11 Yolanda King  
12 Real Property Agent I

13  
14  
15 APPROVED AS TO FORM:

Pamela J. Walls  
16 ~~County~~ Counsel  
Agency

17 By: Michelle Clack 3/24/10  
18 Deputy Michelle Clack

19  
20 ATTEST:

21 Kecia Harper-Ihem  
22 Clerk to the Board

REDEVELOPMENT AGENCY FOR THE  
COUNTY OF RIVERSIDE

23 Dated: \_\_\_\_\_

By: \_\_\_\_\_

24 By: \_\_\_\_\_

Marion Ashley, Chairman  
Board of Directors

**EXHIBIT "A"**

**THERMAL - STREET REVITALIZATION Z05-00062  
LEGAL DESCRIPTION**

**PUBLIC ROAD AND UTILITY EASEMENT**

A portion of Lot 13 of Coachella Land and Water Company's Subdivision of Section 17, Township 6 South, Range 8 East, San Bernardino Meridian as shown by map on file in Book 4 of Maps at Page 53 thereof, Records of Riverside County, California, lying in the County of Riverside, State of California, being more particularly described as follows:

**COMMENCING** at the intersection of the centerline of Airport Boulevard (formerly 56th Avenue) (40 foot half width) with the centerline of Harrison Street (30 foot half width), said intersection being the southwest corner of said Section 17 and the southwest corner of said Lot 13;

**Thence** North 00°18'45" West, along the centerline of said Harrison Street, the west line of said Section 17 and the west line of said Lot 13, a distance of 89.79 feet;

**Thence** North 89°41'15" East, departing said centerline, a distance of 30.00 feet to the east right-of-way line of said Harrison Street and the **TRUE POINT OF BEGINNING**;

**Thence** continuing North 89°41'15" East, a distance of 46.00 feet to a line parallel with and distant 76.00 feet easterly, as measured at right angles to the centerline of said Harrison Street;

**Thence** South 45°14'45" East, a distance of 19.78 feet to a line parallel with and distant 76.00 feet northerly as measured at right angles to the centerline of said Airport Boulevard;

**Thence** North 89°49'15" East, along said parallel line, a distance of 870.45 feet to the west line of the east 352.00 feet of said Lot 13;

**Thence** South 00°00'00" West, along said west line, 36.00 feet to the north right-of-way line of said Airport Boulevard;

**Thence** South 89°49'15" West, along said north right-of-way line, a distance of 895.31 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 35.00 feet;

**Thence** northwesterly, along said curve, through a central angle of 89°52'00", an arc length of 54.90 feet to the east right-of-way line of said Harrison Street;

EXHIBIT "A"

THERMAL - STREET REVITALIZATION Z05-00062  
LEGAL DESCRIPTION

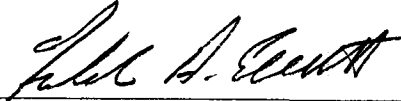
PUBLIC ROAD AND UTILITY EASEMENT  
(Continued)

Thence North 00°18'45" West, along said east right-of-way line, a distance of 14.94 feet to the TRUE POINT OF BEGINNING.

Contains 0.78 acres, more or less.

See Exhibit 'B' attached hereto and by this reference made a part hereof.

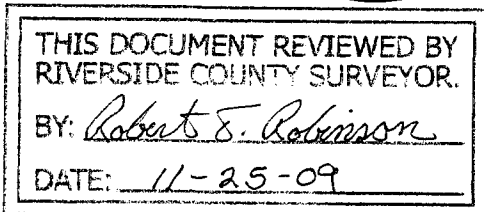
This description was prepared by me  
or under my direction:



Frederick A. Elliott, P.L.S. 4741

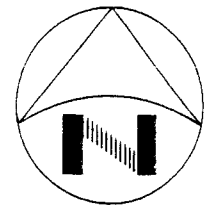
Date: Nov. 09, 2009

Expiration Date: 09/30/2011



# EXHIBIT "B"

THERMAL- STREET REVITALIZATION Z05-00062  
PUBLIC ROAD AND UTILITY EASEMENT



SCALE: 1"=100'

SECTION 17  
TOWNSHIP 6 SOUTH, RANGE 8 EAST  
S.B.M.

R.S. 16/95 RIV. CO.  
PORTION OF LOT 13  
COACHELLA LAND AND  
WATER COMPANY'S SUBDIVISION  
OF SECTION 17  
M.B. 4/53  
RIV. CO.

### LINE DATA

- 1 N.89°41'15"E. 46.00'
- 2 S.45°14'45"E. 19.78'
- 3 N.00°18'45"W. 14.94'

### CURVE DATA

- 1 R=35.00'  
Δ=89°52'00"  
L=54.90'  
T=34.92'

HARRISON STREET  
N.00°18'45"W.  
R/W  
30'  
30'  
76'  
N.00°18'45"W.  
89.79'

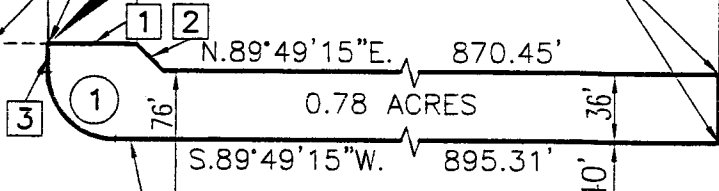
30' R/W PER DEED  
REC'D 12/21/1917  
LIBER 472, PG 266 O.R.

FUTURE R/W

N.89°41'15"E.  
30.00'  
T.P.O.B.

S.00°00'00"W.  
36.00'

WEST LINE OF THE  
EAST 352.00' OF  
LOT 13.



AIRPORT

N.89°49'15"E.  
(FORMERLY 56th AVENUE)

BOULEVARD

P.O.C.  
40' R/W PER DEED  
REC'D 2/24/1956  
BK 1868, PG 422 O.R.



THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.  
BY: *Robert T. Robinson*  
DATE: 11-25-09

This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document.

PREPARED BY:  
**KRIEGER & STEWART**  
INCORPORATED  
3602 University Ave. • Riverside, CA. 92501 • 951-684-6900

RIVERSIDE COUNTY REDEVELOPMENT AGENCY  
AIRPORT BOULEVARD AND HARRISON STREET  
PUBLIC ROAD AND UTILITY EASEMENT  
A.P.N. 763-250-037

EXHIBIT  
**B**