

*LEFT MESSAGE WITH INSPECTOR - SHE IS OUT OF TOWN UNTIL 5/21/16
 *I AM OUT OF TOWN UNTIL 5/5/16



APPLICATION FOR APPEAL

Saint Paul City Council - Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
 Saint Paul, Minnesota 55102
 Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) <u>Tuesday, May 10, 2016</u> Time <u>1:30 p.m.</u> Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

Address Being Appealed:

Number & Street: 2228 Carter ~~2262 Como~~ City: St. Paul State: Mn Zip: 55108

Appellant/Applicant: MILTON INVESTMENT Email: MILTONSQUARE2262@GMAIL.COM

Phone Numbers: Business 763-464-8470 Residence _____ Cell: 763-464-8470

Signature: [Signature] Date: 4/27/16

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 2262 Como

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

CLARIFICATIONS OF DEFICIENCIES
TIMELINE FOR REPAIRS
FINANCIAL BURDEN OF REPAIRS

721
Out of town on 1 May 1

DEPARTMENT OF SAFETY AND INSPECTIONS
Fire Inspection Division
Ricardo X. Cervantes, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

April 15, 2016

MARYANN MILTON
MILTON INVESTMENT COMPANY
2262 COMO AVE
ST. PAUL MN 55108

FIRE INSPECTION CORRECTION NOTICE

RE: 2228 CARTER AVE
Ref. #38032

Dear Property Representative:

Your building was inspected on April 14, 2016 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on May 23, 2016 at 1:30 PM.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. Exterior - At Entry to Thistle retail shop - SPLC 34.08(5), 34.32(3) - All accessory structures including, but not limited to, detached garages, sheds, retaining walls and fences shall be maintained structurally sound and in good repair. Provide and maintain exterior unprotected surfaces painted or protected from the elements. Provide a plan for repair or replacement of these structures.
Thistle: Concrete block exterior entry wall to retail space is crumbling, missing large pieces in the wall at stairwell.
Rear Parking Lot: Existing retaining wall around parking lots is crumbling due to excessive tree root system and age. Some areas already missing retaining wall and have potential to fail.

An Equal Opportunity Employer

2. Exterior - SPLC 34.09 (1) b, c, 34.33 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.
Uniform Storage Building: paint is gone from many areas of building, cave boards are rotting, open to elements at back of building.
Restaurant building and apartments: exposed wood and window and door trim cracked and peeling paint.
3. Interior - Attic Space(s) - MSFC 805.2 - Provide documentation that decorative materials have been treated and maintained with an approved flame retardant or remove decorative materials that do not meet the flame retardant requirements.
Sloped attic space ceiling and walls are covered with cotton materials, sheets.
4. Interior - Attic Spaces - NEC 410-8 (b) (1) Provide for the incandescent fixtures in closets to have a completely enclosed lamp.
5. Interior - Kitchen - MSFC 1010.5 - Provide and maintain an approved emergency lighting system.
Restaurant kitchen emergency lighting damaged, broken lens and bulb.
6. Interior - Muffaletta Exhaust Hood/filters/ductwork - MSFC 904.11.6.4 - Provide required six month service of the hood and duct fire suppression system. Provide documentation from qualified contractor.
Provide a copy of the servicing of exhaust hood, ductwork and fire suppression system.
7. Interior - Unit 2 - MSFC 315.2 - Remove the storage from attic or other concealed spaces or provide and maintain one hour fire resistive construction on the storage side of attics or other concealed spaces. Storage must not be placed on exposed joists.-Three spaces of attic areas are used for storage of combustible materials in unit 2.
8. Interior - Unit 4 - MSFC 1028.3 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.
Sleeping room emergency escape window blocked.
9. Interior - Unit 4 - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the ceiling in an approved manner.
Corner or kitchen ceiling tile stained.
10. Interior - Units 1 & 2 - MSFC 901.6 - Have fire extinguisher recharged and tagged.-
Tenant extinguishers are expired/untagged.

11. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: laura.huseby@ci.stpaul.mn.us or call me at 651-266-8998 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Laura Huseby
Fire Inspector

Reference Number 38032

Vang, Mai (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Monday, June 20, 2016 9:24 AM
To: Vang, Mai (CI-StPaul); Heather O'Malley
Cc: Neis, Adrian (CI-StPaul); Huseby, Laura (CI-StPaul); Birkholz, Jean (CI-StPaul)
Subject: RE: 2228 Carter Ave.Omalley LO Ltr.6-13-16

Hi All,

I am ready to put a recommendation on the record, so we need not have a hearing. This is the recommendation: 1) grant to November 15, 2016 for the retaining wall associated with the area well and exterior stair area; 2) grant to July 1, 2017 for repair of the rest of the retaining walls noted in the orders; and 3) the extensions are conditioned upon the use of a certified survey and the repair and/or replacement work being done under permit with plans and specifications sealed by an engineer registered in the State of Minnesota.

If there concerns, please email. I'd like this in front of the City Council on July 6, so if we need an additional hearing, it will need to be June 28.

Sincerely, Marcia Moermond

From: Vang, Mai (CI-StPaul)
Sent: Monday, June 20, 2016 7:53 AM
To: Heather O'Malley
Cc: Neis, Adrian (CI-StPaul); Huseby, Laura (CI-StPaul); Moermond, Marcia (CI-StPaul); Birkholz, Jean (CI-StPaul)
Subject: RE: 2228 Carter Ave.Omalley LO Ltr.6-13-16

So there is no one that can attend on your behalf?

AJ and Laura, do we need apellant's attendance for this?



Mai Vang

Coordinator for Legislative Hearings

City Council Offices

15 W. Kellogg Blvd, Ste. 310

Saint Paul, MN 55102

Direct: 651-266-8563

Appeals Line: 651-266-8585 or <https://www.stpaul.gov/departments/city-clerk/appeals>

Fax: 651-266-8574

Email: mai.vang@ci.stpaul.mn.us



From: Heather O'Malley [<mailto:miltonsquare2262@gmail.com>]
Sent: Friday, June 17, 2016 9:33 AM

To: Vang, Mai (CI-StPaul)

Subject: Re: 2228 Carter Ave.Omalley LO Ltr.6-13-16

Good Morning,

Unfortunately, I am unable to attend the hearing due to recent surgery & recovery time.

Also, I have met with both inspectors, AJ and Laura- do I need to continue with a hearing? Please advise - thanks!

Heather O'Malley
Milton Square

On Mon, Jun 13, 2016 at 8:55 AM, Vang, Mai (CI-StPaul) <mai.vang@ci.stpaul.mn.us> wrote:

Hello Heather and Steve Omalley,

See attached letter in the above matter.



Mai Vang

Coordinator for Legislative Hearings
City Council Offices
15 W. Kellogg Blvd, Ste. 310
Saint Paul, MN 55102
Direct: [651-266-8563](tel:651-266-8563)

Appeals Line: [651-266-8585](tel:651-266-8585) or <https://www.stpaul.gov/departments/city-clerk/appeals>

Fax: [651-266-8574](tel:651-266-8574)

Email: mai.vang@ci.stpaul.mn.us



Vang, Mai (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Wednesday, December 07, 2016 6:25 PM
To: Vang, Mai (CI-StPaul)
Cc: Neis, Adrian (CI-StPaul)
Subject: FW: thistle, 2228 Carter Ave retaining wall

Mai, Let's put this on for a staff report next Tuesday. I am not inclined to recommend an extension without them demonstrating they are getting (or have gotten) started on the project. Mai, can you let them know? Thanks ~Marcia

From: Karpen, Brian (CI-StPaul)
Sent: Tuesday, November 22, 2016 6:23 AM
To: Moermond, Marcia (CI-StPaul); Neis, Adrian (CI-StPaul); Huseby, Laura (CI-StPaul)
Subject: RE: thistle, 2228 Carter Ave retaining wall

Marcia:

I have not seen any plans or survey for the repair.

Brian Karpen, PE
Structural Engineer

From: Moermond, Marcia (CI-StPaul)
Sent: Monday, November 21, 2016 4:47 PM
To: Karpen, Brian (CI-StPaul); Neis, Adrian (CI-StPaul); Huseby, Laura (CI-StPaul)
Subject: RE: thistle, 2228 Carter Ave retaining wall

AJ and Brian,

The original resolution language is below. Can you tell me if you have had the use of a certified survey and whether you are aware who is doing the work and if they are certified? Thank you.

-Marcia

WHEREAS, in the matter of the Appeal of Milton Investment to a Fire Inspection Correction Notice at 2228 CARTER AVENUE, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council 1) grant to November 15, 2016 for the retaining wall associated with the area well and exterior stair area; 2) grant to July 1, 2017 for repair of the rest of the retaining walls noted in the orders; and 3) these extensions are conditioned upon the use of a certified survey and the repair and/or replacement work being done under permit with plans and specifications sealed by an engineer registered in the State of Minnesota;

Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

From: Karpen, Brian (CI-StPaul)
Sent: Monday, November 21, 2016 8:10 AM
To: Neis, Adrian (CI-StPaul); Huseby, Laura (CI-StPaul)
Cc: Moermond, Marcia (CI-StPaul)
Subject: RE: thistle, 2228 Carter Ave retaining wall

Marcia:

I have gone to this location on two occasions. The retaining wall around the stair is in fairly bad shape. This stair provides access to a shop in the lower level of the building on this property. Though the wall is in bad condition I believe the danger to people or the structure on site is low and do not see an issue with delaying construction and repair to the wall until spring. The wall may continue to degrade, however, the likelihood of an instantaneous collapse would be low.

Provided plans are in the works for construction to begin as soon as possible in the spring I do not have an issue with further delay in the repair of this wall. Please let me know if you have any questions or need further clarification.

Brian Karpen, PE
Structural Engineer

From: Neis, Adrian (CI-StPaul)
Sent: Friday, November 18, 2016 11:50 AM
To: Huseby, Laura (CI-StPaul)
Cc: Moermond, Marcia (CI-StPaul); Karpen, Brian (CI-StPaul)
Subject: RE: thistle, 2228 Carter Ave retaining wall

I had a chance to speak with Marcia on this on Tuesday.

She is ok with giving an extension until spring as long as Brian Karpen does not feel this would pose any potential problems.

Brian, if this is the case, can you please put something in writing as Marcia would need to draft a new resolution.

Thanks,

AJ

From: Huseby, Laura (CI-StPaul)
Sent: Friday, November 04, 2016 2:42 PM
To: Neis, Adrian (CI-StPaul)
Subject: thistle, 2228 Carter Ave retaining wall

Can you bring this up at appeals next Tuesday?



The Most Livable
City in America

Laura Huseby

Fire Inspector II

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55102

P: 651-266-8998

F: 651-2668951

laura.huseby@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America

Moermond, Marcia (CI-StPaul)

From: Neis, Adrian (CI-StPaul)
Sent: Friday, June 17, 2016 8:26 AM
To: Vang, Mai (CI-StPaul); Moermond, Marcia (CI-StPaul); Vang, Nhia (CI-StPaul)
Subject: FW: 2228 Carter - Area well and retaining wall

From: Karpen, Brian (CI-StPaul)
Sent: Wednesday, June 15, 2016 1:53 PM
To: Huseby, Laura (CI-StPaul)
Cc: Neis, Adrian (CI-StPaul)
Subject: 2228 Carter - Area well and retaining wall

Laura:

Per our observations on site and discussion both the wall surrounding the area well and exterior stair at 2228 Carter and the retaining wall on the east side of the rear parking lot are in need of repair. Both of these structures should be repaired under permit and plans and specifications sealed by and engineer registered in the State of Minnesota are required for the permitting of this type of work.

The wall surrounding the area well and exterior stair was constructed out of CMU blocks and is approximately 6 to 7 feet tall. The wall on the west side of the well abuts the public sidewalk and shows significant distress with cracking, small holes and one large hole under the wooden stair case. The wall on the south side of the well is covered with plywood and it's condition is difficult to assess, though based on the bowing of the wall evident in the plywood I would suspect this wall is in a poor state of repair as well. It would appear that the damage is caused by poor drainage behind the wall, over the years water has infiltrated and through the freeze thaw cycle caused damage to this wall. As noted above this wall should be repaired, though it can be hard to determine a timeline of failure in all structures I do not believe this wall is in imminent danger of collapse. The property owner may be allowed some time to coordinate with public works and provide plans for permit for repair of this structure.

The retaining wall to the east of the rear parking lot is approximately 3 to 4 feet high and shows signs of significant stress and failure. A large portion of the wall has been removed and due to soil pressure and vegetation the remaining wall is deflecting towards the parking lot below significantly, due to deflection this wall as well could be termed a structural failure. Further complicating matters there is a second retaining wall located above this retaining wall creating a further 4 to 5 foot difference in elevation. By inspection of the area where the lower wall has been removed I would suspect that the upper retaining wall foundation does not extend below the top of the lower retaining wall. If the soil slope that has been exposed by removal of the portion of the lower wall is left exposed and the remaining lower wall is allowed to continue to degrade the upper wall will be in danger of having it's foundation undermined. Again it is hard to determine a timeline of events that would lead to a complete failure of the slope and wall system. There are no structures and limited public access to the area above the wall so I do not think there is an imminent danger with the wall in the state it is in and the property owner may be allowed some time to prepare construction documents and apply for a permit to have this work done. To receive a permit the contractor will need to provide a comprehensive plan for the entire length of this retaining wall, this plan should be designed and sealed by an engineer registered in the state of Minnesota.

Due to the proximity both of these structures either to the public sidewalk or neighboring property a certified survey may need to be provided as well.

Please let me know if you have any questions or need further clarification.



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
Marcia Moermond, Legislative Hearing Officer
EMAIL: legislativehearings@ci.stpaul.mn.us
PHONE: (651) 266-8560 FAX: (651) 266-8574

June 1, 2016

Heather Omalley & Steve Omalley
Milton Investment
2262 Como Avenue
Saint Paul MN 55108

VIA EMAIL: miltonsquare2262@gmail.com

Re: Appeal for property at 2228 Carteer Avenue.

Dear Heather & Steve Omalley:

This is to confirm that at the May 24th Legislative Hearing, the Deputy Legislative Hearing Officer Nhia Vang recommended continuing the matter to **Tuesday, June 7, 2016 at 1:30 p.m. in Room 330 City Hall/Courthouse.**

If you have any questions, you may contact me at 651-266-8563.

Sincerely,

/s/
Mai Vang
Legislative Hearing Coordinator

cc: Fire Supervisors
Laura Huseby



The Milton Investment Company
27462 Como



2262

NO PARKING
IN CURB LANE









Date: May 05, 2016
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Folder Name: 2228 CARTER AVE
PIN: 202923420086



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FOR CITY, STATE AND FIRE INSURANCE INSPECTION

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**J.N. Johnson
Fire and
Safety**

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| <input type="checkbox"/> BC (DRY CHEM) | <input type="checkbox"/> LOADED STREAM |
| <input type="checkbox"/> CARBON DIOXIDE | <input type="checkbox"/> PURPLE K (PK) |
| <input type="checkbox"/> AFFF/FFFP | <input type="checkbox"/> HALOTRON |
| <input type="checkbox"/> FE-36 | <input type="checkbox"/> HALON 1211 |
| <input type="checkbox"/> CLASS D | <input checked="" type="checkbox"/> CLASS K |
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2014 / 2015 / 2016

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*Next
Compliment*

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484

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4200 West 76th Street

Minneapolis, Minnesota 55435

**A TRADITION OF
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