

**MEMORANDUM OF AGREEMENT BETWEEN  
CLARK COUNTY, NEVADA,  
SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY  
AND  
NEVADA STATE HISTORIC PRESERVATION OFFICE  
REGARDING ROSE GARDENS SENIOR APARTMENTS  
LOCATED AT 1632 YALE STREET, NORTH LAS VEGAS, NEVADA 89030**

**THIS MEMORANDUM OF AGREEMENT ("MOA")** is made and entered into this 15<sup>th</sup> day of September 2016, by and between the County of Clark, ("Agency") on behalf of the U.S. Department of Housing and Urban Development, Southern Nevada Regional Housing Authority ("Owner"), and the Nevada State Historic Preservation Officer ("SHPO").

**RECITALS:**

**WHEREAS**, Agency is responsible for Section 106 of the National Historic Preservation Act compliance for the development of the certain real property located at 1731 Yale Street, North Las Vegas, NV 89030 within the Area of Potential Effect ("APE") on the map attached as Exhibit A; and

**WHEREAS**, Agency has determined that the Demolition of a 120 unit senior housing development (built in 1975) located at 1632 Yale Street, North Las Vegas, NV 89030 APN# 139-22-810-041 (3.85 Acres) and the new construction of 120 units of senior housing at 1731 Yale Street, North Las Vegas, NV 89030 APN#139-22-802-002 (2.75 Acres) and potentially 311 E. Tonopah Avenue, North Las Vegas, NV 89030 APN#139-22-810-042 (1.95 Acres) ("Undertaking") on a site near two historic resources listed in the National Register of Historic Places (NRHP) and multiple historic resources potentially eligible for inclusion in the NRHP will have an adverse effect on historic properties; and

**WHEREAS**, Agency has consulted with SHPO pursuant to 36 CFR Part 800, the federal regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), Agency has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**WHEREAS**, Owner has agreed, as a condition of its HOME and Capital Fund Program (CFP) funding, to comply with findings determined through the Agency's 24 CFR Part 58 review, of which Agency's Section 106 consultation (Exhibit B) is a part and Agency has been invited to be a Signatory to this MOA; and

**NOW, THEREFORE**, Agency, Owner, and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of said Undertaking on historic properties.

## **I. DOCUMENTATION**

### **A. Recordation of Historic Resources**

1. Owner will hire an architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61 Appendix A) (hereinafter referred to as "the contractor") to complete a cultural resources inventory of all historic buildings and structures found within the APE on the map attached as Exhibit A. The contractor shall prepare a draft inventory report that shall include:
  - a. Historical and architectural contexts appropriate for each resource and the neighborhood recorded.
  - b. Photographs of all possible elevations of all buildings and structures given available view shed, property access, owner permission, and safety concerns. Interior photos are not required. A photo log shall accompany these photographs and site plan detailing the date the photo was taken, its orientation, the name of the photographer, and the photo number.
  - c. Completed SHPO Architectural Resource Assessment (ARA) forms for all historic buildings and structures.
2. Agency will submit a draft inventory report documenting the work completed in accord with Stipulation I.A.1 above and including all ARA forms completed for the project within 60 days of the completion of the draft inventory report.
  - a. The SHPO shall have 30 days from receipt to review the draft report. If the SHPO concurs or does not respond within this timeframe, Agency shall finalize the report.
  - b. If the SHPO requests changes to the documentation, Agency shall make all requested changes and resubmit the draft report to the SHPO for review.
  - c. Once the SHPO concurs that the document is adequate, Agency shall finalize the documentation and submit two final copies to the SHPO.

## **II. DURATION**

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the undertaking, Agency shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request,

take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, Agency may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

### **III. POST-REVIEW DISCOVERIES**

If potential historic properties are discovered or unanticipated effects on historic properties found, Agency shall implement the process found in 36 C.F.R. § 800.13.b - c.

### **IV. DISPUTE RESOLUTION**

Should any Signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, Agency shall consult with such party to resolve the objection. If Agency determines that such objection cannot be resolved, Agency will:

- A. Forward all documentation relevant to the dispute, including the Agency's proposed resolution, to the ACHP. The ACHP shall provide Agency with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Agency shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. Agency will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period; Agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Agency shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. Agency's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

### **V. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

### **VI. TERMINATION**

If any Signatory or Invited Signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days

an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatory or Invited Signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, Agency must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Agency shall notify the signatories as to the course of action it will pursue.

## **VII. MUTUAL REPRESENTATIONS AND WARRANTIES**

A. Agency, Owner, and the SHPO and each person executing this MOA on behalf of the Agency represents and warrants to each other that:

1. All parties have requisite power and authority to enter into and perform their obligations under this MOA; and
2. The person signing this MOA on each party's behalf have been duly authorized to execute and deliver this MOA and to legally bind that party to the terms and conditions of this MOA; and
3. The execution and performance of this MOA by the parties does not violate any provision of any other agreement in which the Agency, Owner, or the SHPO is a party.

**EXECUTION** of this MOA by the Agency, Owner, and the SHPO and implementation of its terms evidence that Agency has taken into account the effects of this Undertaking on historic properties, and that Agency has afforded ACHP with an opportunity to comment.

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**Signatories**

**Clark County, Nevada**

By:   
\_\_\_\_\_  
Kristin Cooper  
Community Resources Management Manager

Date: 9/7/16

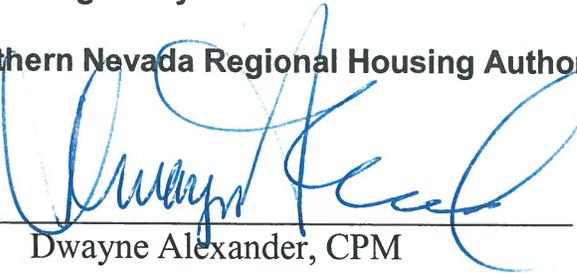
**Nevada State Historic Preservation Office**

By:   
\_\_\_\_\_  
Rebecca L. Palmer  
State Historic Preservation Officer

Date: 9/15/16

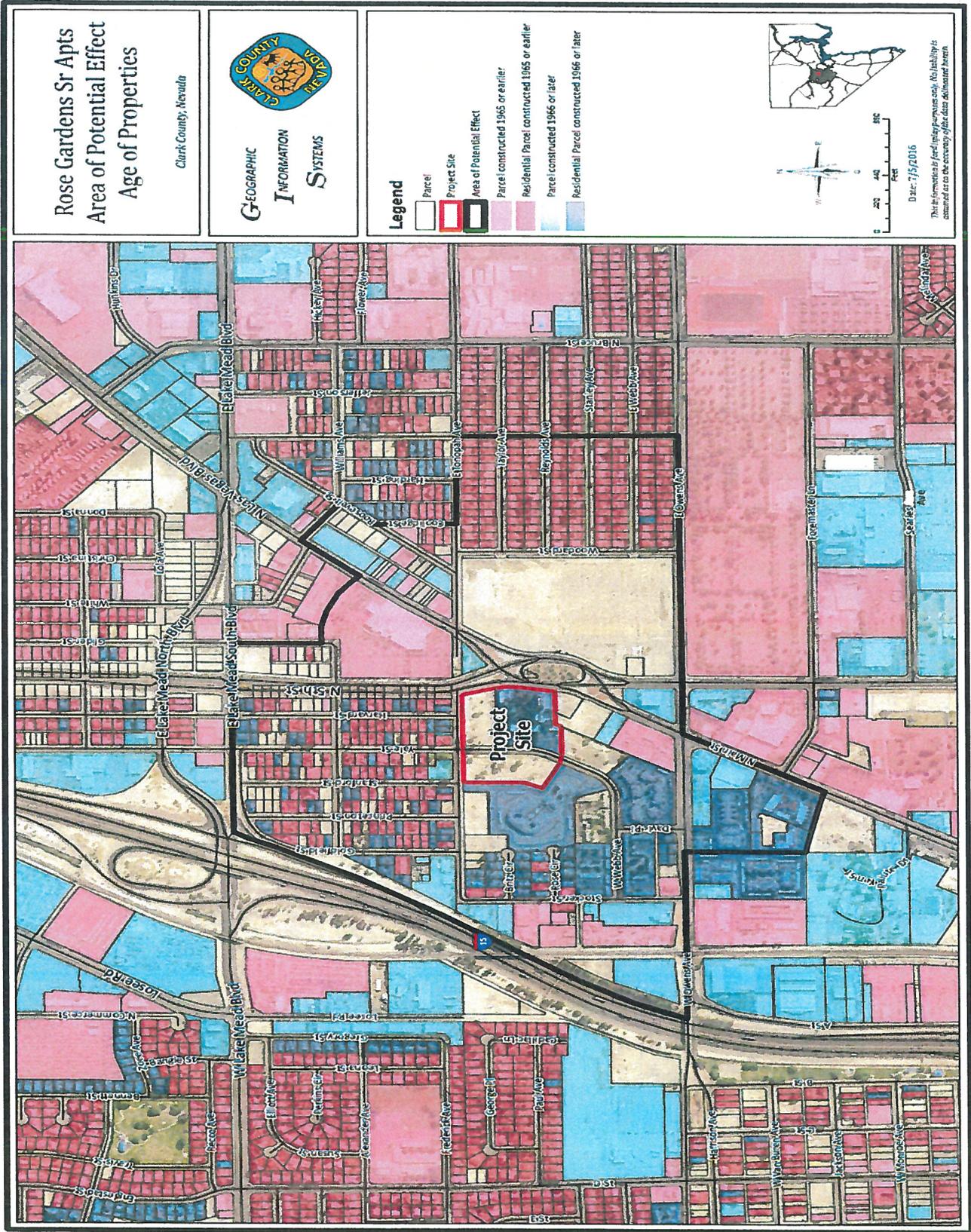
**Invited Signatory**

**Southern Nevada Regional Housing Authority**

By:   
\_\_\_\_\_  
Dwayne Alexander, CPM  
Deputy Executive Director

Date: 9/6/16

# Exhibit A - Aerial Map of APE



**NEVADA STATE HISTORIC PRESERVATION OFFICE  
Recommended Coversheet for Section 106 Review**

SHPO USE ONLY			
Received Date	___/___/___	Log In Date	___/___/___
Response Date	___/___/___	Log Out Date	___/___/___
Sent Date	___/___/___		

*If you find this document helpful in preparing a submission document, please include this with your submission. Please type. Due to limited resources and the requirements of federal regulation, we are unable to accept this application electronically.*

**I. GENERAL INFORMATION**

- THIS IS A NEW SUBMITTAL  
 THIS IS MORE INFORMATION RELATING TO UT# [Click here to enter text.](#)

a. Project Name: **Rose Gardens Senior Apartments**

b. Project Address and APN (if available): **1632 Yale Street, North Las Vegas, NV 89030**  
**APN: 139-22-7320-041 (3.85 acres)**  
**1731 Yale Street, North Las Vegas, NV 89030**  
**APN: 139-22-802-002 (2.75 acres)**  
**311 E Tonopah Avenue, North Las Vegas, NV 89030**  
**APN: 139-22-810-042 (1.95 acres)**

c. County: **Clark County, Nevada**

d. Federal Agency, Contact Name and Mailing Address (*If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.*).

**Department of Housing and Urban Development, Las Vegas Field Office**  
**302 Carson Street, Las Vegas, NV 89101**  
**Marilee Hansen, (702) 366-2135**

e. State Agency (if applicable), Contact Name and Mailing Address: **N/A**

f. Consultant or Applicant Contact Information (if applicable) *including mailing address.*

**Melanie Braud, Development & Modernization Coordinator**  
**Southern Nevada Regional Housing Authority (SNRHA)**  
**340 N 11th St, Las Vegas, NV 89101**

g. Exact project location map should be submitted. Please see our website for further mapping information: [nvshpo.org/review-compliance/guidelines.html](http://nvshpo.org/review-compliance/guidelines.html).

- 7.5' USGS Quad Map Name: **[See USGS Quadrangle, Las Vegas NE (2014) Map – TAB 1]**
- Township: **20** Range: **61** Section: **22**

## II. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

**Note: Every project has an APE.**

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. can be included with the written description):

Rose Gardens Senior Apartments entails the demolition of an existing 120-unit senior public housing development located in North Las Vegas, Nevada, after the subsequent new construction of a 120-unit affordable senior housing development on a site across the street from the existing location. The current property was constructed in 1975 under the Federal Low- Income Public Housing program and is owned and operated by the Southern Nevada Regional Housing Authority (SNRHA) [*Project Current Condition and Site Plans attached - TAB 2*].

Under an innovative new program called Rental Assistance Demonstration (RAD), the U.S. Department of Housing and Urban Development (HUD) is allowing housing authorities to rehabilitate and preserve their aging public housing developments using a variety of public and private affordable housing resources, including private debt supported by project-based rental assistance, Federal Low-Income Housing Tax Credits and public housing capital funds. RAD allows for the transfer of assistance from one project site to an alternate site; thereby enabling SNRHA to support the construction of a new development since rehabilitation of the existing units is not feasible.

### Property Description

Rose Gardens was constructed in 1975 and is currently located at 1632 Yale Street in North Las Vegas. The property consists of two low-rise dwelling buildings on a 3.85-acre site. The unit mix consists of 60 studio units (370 SF) and 60 one-bed/one-bath units (503 SF). The existing site and buildings are functionally obsolete and have significant capital needs that make modernization/rehabilitation of the existing units impractical. As part of the RAD conversion, SNRHA plans to demolish the existing Rose Gardens development and replace it with a more attractive and marketable development with appropriate amenities and service space.

The new project will consist of 102 one- bed/one-bath units (600 SF) and 18 two-bed/one-bath units (775 SF) and will be built on the former Casa Rosa public housing site, which is across the street from Rose Gardens [*Conceptual Site and Elevation Plans attached- TAB 2J*]. The new development will consist of One Three-Story residential elevator building on a 2.75- acre site. These new apartments will be generously sized and conceptual designs include upgrades and amenities such as washer/dryer hook-up, wall-to-wall carpeting, and extensive cabinet and closet storage. The units will be built to high energy-efficiency standards, including high efficiency heating and cooling equipment, EnergyStar appliances, low-E argon thermal pane windows, high R- value wall and attic insulation, ceiling fans, and automatic timer thermostat controls. The development will also promote water conservation with attractive xeroscape landscaping and low use plumbing fixtures.

The project will also contain a community/administrative building containing a large multi-purpose room and warming kitchen, classrooms, a computer lab, a library/reading room, leasing office, and space for supportive service providers. The grounds will contain courtyards and patio areas with picnic tables and barbecues.

### Target Population

Rose Gardens will be a senior housing development available to households with incomes at or below 60% AMI (\$25,800 for a 1-person household in Clark County in 2015). All of the 120 units will receive project-based rental assistance under the Rental Assistance Demonstration (RAD) program. Under the program, households will pay 30% of their adjusted gross income towards rent, allowing the development to serve very low-income and disabled households, including those on SSI/DI. Per HUD regulations, rent will be the lower of the published RAD rent or 110% HUD FMR minus utility allowance.

b. Provide a localized map indicating the location of the project; road names must be included and legible.  
*[See attached Map of Rose Gardens Senior Apartments proposed site with recommended APE boundary – TAB 2]*

On the above-mentioned map, identify the APE.  
*[See attached Map of Rose Gardens Senior Apartments proposed site with recommended APE boundary – TAB 2]*

- a. Provide a written description of the APE (physical, visual, auditory, and atmospheric), the steps taken to identify the APE, and the justification for the boundaries chosen. Please consider the height of the proposed undertaking when determining this area *[See attached Photos A-T – TAB 2]*.

Existing Neighborhood Physical Characteristics

Per Site Visit and use of mapping tools, the APE was measured out with a maximum height of 45 feet for the proposed 4-story building. The neighborhood would be described as:

- North: Residential single family homes constructed between 1925-1981 and vacant parcels  
South: Senior subsidized apartments, vacant land, and transitional housing, Salvation Army, Catholic Charities – servicing our Corridor of Hope (homeless corridor). . Some small commercial businesses constructed  
East: Large vacant lot, Jerry’s Nugget Casino, small retail uses, and single family dwellings mostly constructed 1967 or earlier  
West: Residential parcels with single family homes primarily constructed 1966 or later. Some light industrial buildings constructed 1967 or earlier.

Visual Analysis of project impact on line of sight at ground level (4-story building)

- See Photos of Project Site and surrounding area from multiple points On-Site and Off-Site *[TAB 2]*. The visual impact included consideration of topography, existing structures and vegetation and distance. The APE was developed to account for these variations including sight distance to the east where there is a large undeveloped property and sight restrictions to the west due to slope and existing structures.

Auditory Description

- The proposed project site was previously developed with medium density residential multi-family housing. The redevelopment of this site will be no more noise intensive than the previous development and will be constructed to ensure appropriate noise levels on the interior. The site has not previously impacted the surrounding uses including single family homes that have been in place for 50 or more years and has not been impacted by existing surrounding uses. The current Rose Gardens housing development, which was constructed in 1975 will be demolished and thereby transfer any use related noise to the property across the street. This site will be evaluated in the future if and when development plans are contemplated.

**III. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, CONSTRUCTION, ETC.)**

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? YES  NO  (If no, proceed to section IV.)

- b. Description of width, length and depth of proposed ground disturbing activity (please include all associated disturbances (access roads, laydown areas, etc):
- a. 1731 Yale St.: approximately 220'x567'x8'
    - i. New Construction of 4-story, 120 unit senior affordable housing to be located at
  - b. 1632 Yale St.: approximately 378'x465'x6'
    - i. Demolition of Existing Site for 120 unit senior public housing
  - c. 311 Tonopah is approximately 196'x 448'x8' (may be considered for additional redevelopment if necessary)
    - i. Vacant Parcel which may be used in addition to 1731 Yale St for the redevelopment of the 4-story, 120 unit senior affordable housing site

b. Previous land use and disturbances:

New Construction Sites were Multi-Unit Family Public Housing known as Casa Rosa; Existing Site is Multi-Unit Senior Public Housing

*[See Historical Aerial Maps – TAB 3]*

c. Current land use and conditions:

Rose Gardens was constructed in 1975 and is currently located at 1632 Yale Street in North Las Vegas. The property consists of two low-rise dwelling buildings on a 3.85-acre site. The unit mix consists of 60 studio units (370 SF) and 60 one-bed/one-bath units (503 SF). SNRHA plans to demolish the existing Rose Gardens development. See Section II. b. & c. Existing Neighborhood Physical Characteristics.

d. Does the landowner know of any archaeological resources found on the property?

Please describe: **NONE**

#### IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date all resources (buildings, structures, objects, archaeological sites) 50 years of age or older located in the APE. If the resource is located within a National Register eligible, listed or local district it is only necessary to identify the district:

**None. Not listed on the National Park Service national or state historical list [see [www.nps.gov/history](http://www.nps.gov/history)]**

According to a review of historic aerials (attached) the property has been previously developed prior to 1950 with single family homes, which were subsequently demolished between 1965 and 1973 to allow for development of multi-family housing. Therefore, any potential for artifacts has likely been negatively impacted by this previous development that would have involved grading and excavation for foundations followed by demolition. The sites located at 1731 Yale Street and 311 Tonopah have experienced at least two full rounds of development, demolition and redevelopment of single, then multi-family housing. The site located at 1632 Yale Street has been developed, demolished and redeveloped and will now be exposed to a second round of demolition and redevelopment. The existing structures at 1632 Yale Street were constructed in 1972, just 44 years ago, which does not meet the 50+ year old "Test" for potentially historic structures. Furthermore, the properties are not listed on the National Register of Historic Places or the State's list of historic properties.

According to the Age of Properties map [TAB 4], there are 268 properties with structures 50 or more years old within the APE. See Existing Neighborhood Physical Characteristics – Surrounding Properties at or over 50 years old Table under Section II (d) and attached aerial and street view Photos of each Property as grouped with Assessor information and Ownership History.

- b. Describe the steps taken to identify whether or not any resources eligible for the National Register of Historic Places exist in the APE and include the level of effort made to carry out such steps:
- Reviewed the National Park Service national and state historical list [see [www.nps.gov](http://www.nps.gov)]
  - See list of Historic Properties in Clark County Nevada – None located within APE  
*[See Map of surrounding properties – TAB 4]*

- c. Based on the information contained in "b", please choose one:

- Historic Properties Present in the APE
- No Historic Properties Present in the APE

- d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE: There are no Historic properties within the APE or surrounding neighborhood listed on the National Register of Historic Places [See Attached Table – TAB 4]. Aerial and Street view photographs of each property 50 years old or older with APN#, Address, Year of Construction and ownership history are attached for review.

1731 Yale Street

**Michele W. Shafe, Assessor****PARCEL OWNERSHIP HISTORY**[Assessor Map](#)[Aerial View](#)[Comment Codes](#)[Current Ownership](#)[New Search](#)**ASSESSOR DESCRIPTION**

PT SE4 SE4 SEC 22 20 61

CURRENT PARCEL NO.	CURRENT OWNER	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
139-22-802-002	SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY		<a href="#">20150310:02996</a>	3/10/2015	NS	253	2.75 AC	

PARCEL NO.	PRIOR OWNER(S)	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
139-22-802-002	HOUSING AUTHORITY CITY OF NLV		00000723:0682994	04/01/1977	NS	253	2.7500 AC	REV PB 108-90

Note: Only documents from September 15, 1999 through present are available for viewing.

**NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.**

1632 Yale Street

**Michele W. Shafe, Assessor****PARCEL OWNERSHIP HISTORY**[Assessor Map](#)[Aerial View](#)[Comment Codes](#)[Current Ownership](#)[New Search](#)**ASSESSOR DESCRIPTION**

ROSE GARDENS SUB PLAT BOOK 15 PAGE 60 LOT 3 BLOCK 2

CURRENT PARCEL NO.	CURRENT OWNER	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
139-22-810-041	SOUTHERN NV HOUSING AUTHORITY		<a href="#">20111110:00916</a>	11/10/2011	NS	253	3.85 AC	

PARCEL NO.	PRIOR OWNER(S)	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
139-22-810-041	HOUSING AUTHORITY CITY OF NLV		00000243:0202643	06/30/1972	NS	253	SUBDIVIDED LOT	.15A TO RD 20100426:4494
090-475-008	ROYAL CREST INC		0172:0136811	10/13/1971		250	SUBDIVIDED LOT	
090-475-008	CITY OF NORTH LAS VEGAS		0305:0264102	02/27/1973		250	SUBDIVIDED LOT	

Note: Only documents from September 15, 1999 through present are available for viewing.

**NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.**

**V. PHOTOGRAPHS**

**Note: All photographs should be keyed to a map.**

- a. Provide photographs of the project area itself. *[See Photos – TAB 2]*

See Section II. b. & c.

- b. Provide photographs of all resources 50 years of age or older located in the APE. Digital images or clear photocopies are acceptable. *[See Photos – TAB 5]*

See Properties 50 or more years old

**VI. DETERMINATION OF EFFECT**  
**Based on the above information, please choose one.**

- No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the justification for this determination.

None of the 268 properties that are 50 or more years old were found to be located on the Register of Historic Places or places of historic interest for the State of Nevada. While it is possible that one or more of the 268 properties constructed 50 or more years ago may become eligible for inclusion in the Register of Historic Places, it is our determination that the construction of a four story residential, multi-family building will not impact the visual integrity of such properties or the neighborhood. Actually it is anticipated that this redevelopment of senior affordable housing will rejuvenate this submarket along the City of North Las Vegas Redevelopment Area. However, should the State Historic Preservation Office identify properties of historic significance, we will consider your office's recommendations.

- No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

***Please print and mail completed form and any additional information to:***  
*Nevada State Historic Preservation Office*  
*901 S. Stewart Street, Suite 5004*  
*Carson City, Nevada 89701-5248*

**NEVADA STATE HISTORIC PRESERVATION OFFICE  
Recommended Coversheet for Section 106 Review**

**TABS 1-5 (MAPS AND PLANS)**

- a. Project Name: **Rose Gardens Senior Apartments**
- b. Project Address and APN (if available):

**1632 Yale Street, North Las Vegas, NV 89030**

**APN: 139-22-7320-041 (3.85 acres)**

**1731 Yale Street, North Las Vegas, NV 89030**

**APN: 139-22-802-002 (2.75 acres)**

**311 E Tonopah Avenue, North Las Vegas, NV 89030**

**APN: 139-22-810-042 (1.95 acres)**

- c. County: **Clark County, Nevada**

**NOTE: MAPS AND PLANS UNDER TABS 1-5 WERE PREVIOUSLY PROVIDED WITH SECTION 106 REVIEW, SUBMITTED TO SHPO JULY, 2016. AVAILABLE UPON REQUEST.**

