

RESOLUTION NO. 2019- 46

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE EXECUTION OF A SUBORDINATION OF COUNTY UTILITY INTERESTS PURSUANT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION'S REQUEST IN CONNECTION WITH THE PROPOSED IMPROVEMENTS TO STATE ROAD NO. 9.

RECITALS

WHEREAS, the State of Florida Department of Transportation ("FDOT") proposes to construct or improve State Road No. 9, Section No. 78080, F.P. No. 4240264, in St. Johns County, Florida; and

WHEREAS, it is necessary that certain easement rights now owned by St. Johns County, Florida ("County"), be subordinated to the rights of the FDOT and

WHEREAS, FDOT has made a request to said County to execute and deliver to FDOT a Subordination of County Utility Interests in favor of FDOT, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, FDOT is willing to pay to have the County's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained and will join in the execution of the Subordination of County Utility Interests to set forth the mutual covenants and promises of the parties;

WHEREAS, said subordination is in the best interest of the County and has been approved by the St. Johns County Utility Department, as stated in memorandum attached hereto as Exhibit "B", incorporated by reference and made a part hereof; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above Recitals are incorporated into the body of this Resolution and such Recitals are adopted as findings of fact.

Section 2. The Subordination of County Utility Interests is hereby approved and the Chair of the Board is hereby authorized to execute the agreement on behalf of the County.

Section 3. The Clerk is instructed to mail the original Subordination of County Utility Interests, along with a certified copy of the Resolution to the State of Florida Department of Transportation, 1109 South Marion Ave, MS 2020, Lake City, Florida 32025-5874, Attention: Kiersten Dicks.

Section 4. To the extent that there are typographical, scrivener or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED this 19th day of February, 2019.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

By: Paul M. Waldron

Paul M. Waldron, Chair

ATTEST: Hunter S. Conrad, Clerk

Sam Hatterman

Deputy Clerk

RENDITION DATE 2/21/19

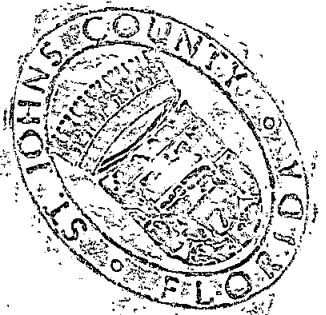


Exhibit "A" to Resolution

23-UTL.08-Date: November 13, 2018

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 101.9, 102.13 and 103.8
SECTION NO. 78080
F.P. NO. 4240264
STATE ROAD NO. 9
COUNTY OF St. Johns

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 20_____,
by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South
Marion Avenue, Lake City, Florida 32025-5874, hereinafter called the FLORIDA DEPARTMENT
OF TRANSPORTATION, and ST. JOHNS COUNTY, a political subdivision of the State of Florida,
500 San Sebastian View, St. Augustine, Florida 32084, hereinafter called County.

WITNESSETH:

WHEREAS, the County presently has an interest in certain lands that have been
determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require
subordination of the interest claimed in such lands by the County to the Florida Department of
Transportation; and

WHEREAS, the Florida Department of Transportation is willing to pay to have the County's
facilities relocated if necessary to prevent conflict between the facilities so that the benefits of
each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties
hereto, County and Florida Department of Transportation agree as follows:

County hereby subordinates to the interest of Florida Department of Transportation its
successors and assigns, any and all of its interest in the lands as follows, viz:

SEE Exhibit "A", attached hereto and by reference made a part hereof.

RECORDED:

INSTRUMENT	DATE ORB/PAGE	FROM	TO	AS TO PARCEL NO.
Saint Johns Water and Wastewater Utility Service Agreement	02/06/1995 1094/332	Northwest Utilities I, Inc. and SJH Partnership, Ltd.	St. Johns County; Florida	101/102/103

PROVIDED that the County has the following rights:

1. The County shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the Florida Department of Transportation's current minimum standards for such facilities as required by the Florida Department of Transportation, Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the Florida Department of Transportation. Should the Florida Department of Transportation fail to approve any new construction or relocation of facilities by the County or require the County to alter, adjust, or relocate its facilities located within said lands, the Florida Department of Transportation hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The County shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Florida Department of Transportation's facilities.
4. The County agrees to repair any damage to Florida Department of Transportation facilities and to indemnify the Florida Department of Transportation against any loss or damage resulting from the County exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the Florida Department of Transportation hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

Witness:
Print Name _____

By: _____
Robert L. Parks
District Director for Transportation
Development District Two

Witness:
Print Name: _____

Legal Review

By: _____

Print Name: _____
District Counsel

Date: _____

STATE OF FLORIDA

COUNTY OF COLUMBIA

The foregoing Instrument was acknowledged before me this _____ day of _____, 20_____, by Robert L. Parks, District Director for Transportation Development, District Two, who is personally known to me and who did not take an oath.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: _____

St. Johns County, Florida,
By Its Board of County Commissioners

Print Name: _____
Clerk (or Deputy Clerk)

By: _____

Print Name: _____
Its Chairperson (or Vice-Chairperson)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, _____, who is personally known to me or who has produced _____ as identification.

(Notary Seal)

Print Name: _____
Notary Public
My Commission Expires: _____

Exhibit "A"

Section No. 78080
F.P. No. 4240264

State Road No. 9

St. Johns County

Parcel No. 101

Fee Simple

A Part Of Section 10, Township 6 South, Range 28 East, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A 2-3/8" Aluminum Pipe With A 3-1/4" Aluminum Cap Stamped "Public Land Survey Corner Tallahassee Meridian LB #2648", Marking The Northeast Corner Of The Southeast 1/4 Of Section 10, Township 6 South, Range 28 East, St. Johns County, Florida; Thence South 01°01'46" West, Along The East Line Of The Southeast 1/4 Of Said Section 10, A Distance Of 2,040.74 Feet To The Baseline Of Survey Of State Road No. 9 (Interstate 95) (A Variable Width Right Of Way As Per Florida Department Of Transportation Right Of Way Map, Section 78080, F.P. No 4240264); Thence North 27°29'24" West, Along Said Baseline Of Survey, A Distance Of 2,246.04 Feet; Thence North 62°30'36" East, A Distance Of 150.51 Feet To The Northeasterly Existing Limited Access Right Of Way Line Of Said State Road No. 9 (Interstate 95) And The **Point Of Beginning**; Thence North 28°18'16" West, Along Said Northeasterly Existing Limited Access Right Of Way Line, A Distance Of 35.84 Feet; Thence North 27°29'24" West, Continuing Along Said Northeasterly Existing Limited Access Right Of Way Line, A Distance Of 14.16 Feet; Thence North 62°30'36" East, A Distance Of 257.81 Feet; Thence North 30°02'34" West, A Distance Of 218.40 Feet; Thence North 44°28'43" East, A Distance Of 309.65 Feet; Thence North 88°34'57" East, A Distance Of 638.29 Feet To The East Line Of Section 10, Township 6 South, Range 28 East, St. Johns County, Florida; Thence South 01°01'46" West Along The East Line Of Said Section 10, A Distance Of 265.00 Feet; Thence South 44°31'12" West, A Distance Of 326.39 Feet; Thence South 69°55'20" West, A Distance Of 415.62 Feet; Thence North 29°27'22" West, A Distance Of 196.64 Feet; Thence South 62°30'36" West, A Distance Of 259.50 Feet To The **Point Of Beginning**.

Containing 8.990 Acres, More Or Less.

ALSO:

Parcel No. 102

Fee Simple

All Of Tract "HH" (Upland Buffer), As Shown On The Plat Of Cascades Of World Golf Village, As Recorded In Map Book 54, Page 15 Of The Public Records Of St. Johns County, Florida, In Section 3, Township 6 South, Range 28 East, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A 5/8" Iron Rod With Cap, Stamped "LB #2648", Marking The Southwest Corner Of Section 34, Township 5 South, Range 28 East, St. Johns County, Florida; Thence North 88°56'19" East, Along The South Line Of Said Section 34, A Distance Of 233.88 Feet To The Northwest Corner Of Section 3, Township 6 South, Range 28 East, St. Johns County, Florida; Thence North 89°05'12" East, Along The North Line Of Said Section 3, A Distance Of 305.32 Feet To The Baseline Of Survey Of State Road No. 9 (Interstate 95) (A Variable Width Right Of

Way As Per Florida Department Of Transportation Right Of Way Map, Section 78080, F.P. No 4240264); Thence South 27°29'24" East, Along Said Baseline Of Survey, A Distance Of 817.04 Feet; Thence South 61°16'06" West, A Distance Of 150.04 Feet To The Southwesterly Existing Limited Access Right Of Way Line Of Said State Road No. 9 (Interstate 95), Also Being The Northeast Corner Of Tract "GG" (Lake), As Shown On The Plat Of Cascades At World Golf Village, As Recorded In Map Book 54, Page 15 Of The Public Records Of St. Johns County, Florida; Thence Continue South 61°16'06" West, Along The North Line Of Said Tract "GG" (Lake), A Distance Of 9.41 Feet To A Non-Tangent Curve To The Left, Having A Radius Of 50.00 Feet; Thence Northwesterly And Southwesterly Along Said North Line Of Tract "GG" And The Arc Of Said Curve, Through An Angle Of 112°58'03", An Arc Distance Of 98.58 Feet, And A Chord Bearing And Distance Of North 84°29'47" West, 83.37 Feet To The Point Of Tangency Of Said Curve; Thence South 39°01'11" West, Continuing Along Said North Line Of Tract "GG", A Distance Of 76.39 Feet To The Point Of Curvature Of A Curve To The Left, Having A Radius Of 50.00 Feet; Thence Southwesterly Along Said North Line Of Tract "GG" And The Arc Of Said Curve, Through An Angle Of 67°43'28", An Arc Distance Of 59.10 Feet And A Chord Bearing And Distance Of South 05°09'28" West, 55.72 Feet; Thence South 51°49'33" West, Continuing Along Said North Line Of Tract "GG", A Distance Of 6.75 Feet; Thence North 39°18'34" West, Continuing Along Said North Line Of Tract "GG", A Distance Of 44.77 Feet To An Intersection With The Southerly Line Of Tract "HH" (Upland Buffer) As Shown On Said Cascades At World Golf Village And The **Point Of Beginning.**; Thence Southwesterly Along The North Line Of Said Tract "GG" The Following Seven (7) Courses; (1) South 74°34'19" West, 30.81 Feet; (2) South 45°07'06" West, 29.07 Feet; (3) South 32°59'52" West, 37.51 Feet; (4) South 64°36'31" West, 45.80 Feet; (5) South 72°58'22" West, 41.18 Feet; (6) South 86°14'34" West, 47.71 Feet; (7) North 70°43'46" West, 33.73 Feet To The Southwest Corner Of Said Tract "HH" (Upland Buffer); Thence North 19°16'14" East, Along The West Line Of Said Tract "HH", A Distance Of 25.00 Feet To The Northwest Corner Of Said Tract "HH"; Thence Northeasterly Along The North Line Of Said Tract "HH" The Following Seven (7) Courses; (1) South 70°43'46" East, 28.64 Feet; (2) North 86°14'34" East, 39.71 Feet; (3) North 72°58'22" East, 36.44 Feet; (4) North 64°36'31" East, 36.90 Feet; (5) North 32°59'52" East, 33.09 Feet; (6) North 45°07'06" East, 38.30 Feet; (7) North 74°34'19" East, 26.31 Feet To A 4"X4" Concrete Monument With Disk, Stamped PRM LB 6739", Marking The Northeast Corner Of Said Tract "HH" (Upland Buffer); Thence South 39°18'34" East, Along The East Line Of Said Tract "HH", A Distance Of 27.34 Feet To The **Point Of Beginning.**

Containing 6,315 Square Feet, More

ALSO:

Parcel No. 103

Fee Simple

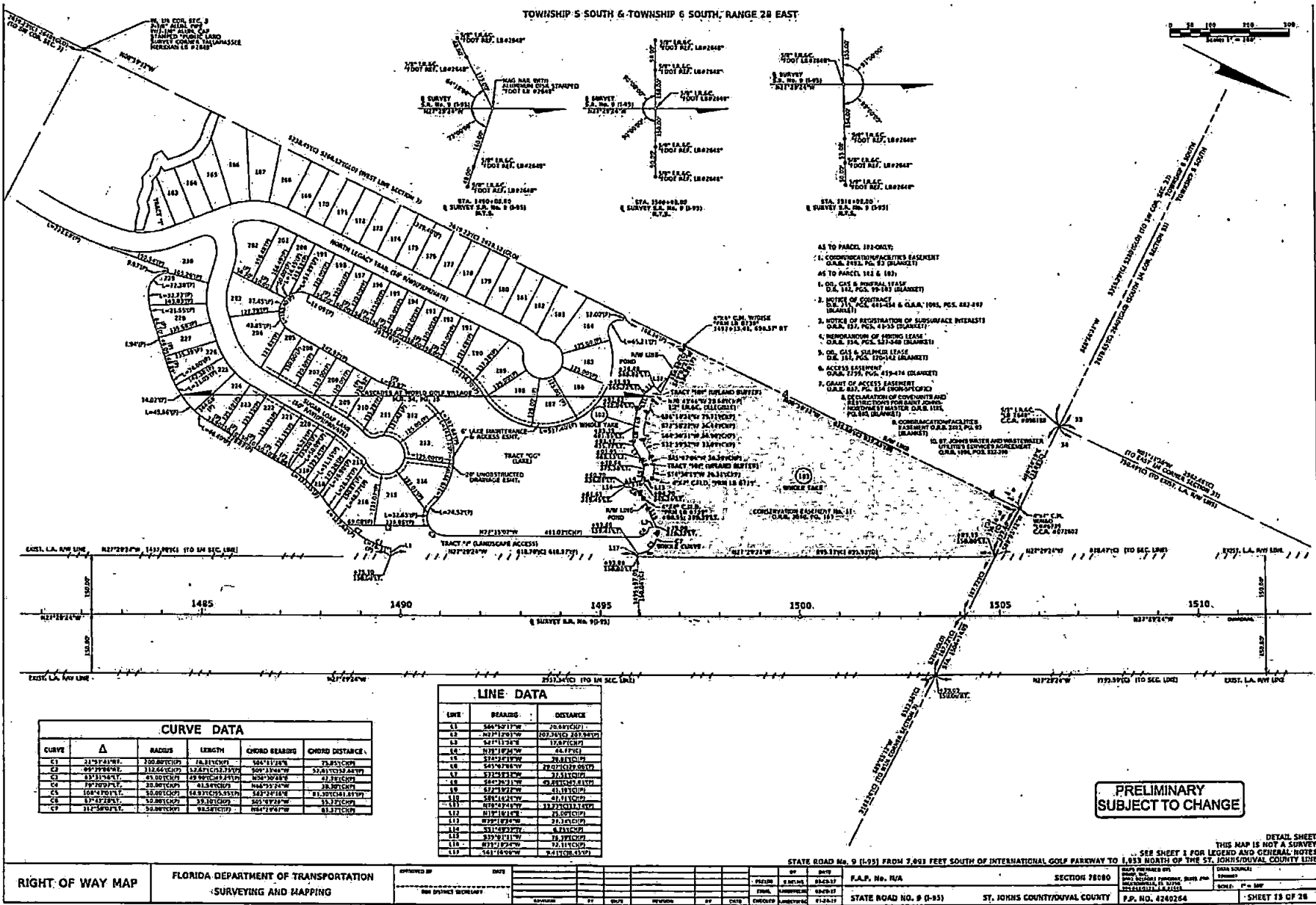
A Part Of Section 3, Township 6 South, Range 28 East, St. Johns County, Florida, Being More Particularly Described As Follows:

Commence At A 5/8" Iron Rod With Cap, Stamped "LB #2648", Marking The Southwest Corner

Of Section 34, Township 5 South, Range 28 East, St. Johns County, Florida; Thence North 88°56'19" East, Along The South Line Of Said Section 34, A Distance Of 233.88 Feet To The Northwest Corner Of Section 3, Township 6 South, Range 28 East, St. Johns County, Florida; Thence North 89°05'12" East, Along The North Line Of Said Section 3, A Distance Of 305.32 Feet To The Baseline Of Survey Of State Road No. 9 (Interstate 95) (A Variable Width Right Of Way As Per Florida Department Of Transportation Right Of Way Map, Section 78080, F.P. No 4240264); Thence South 27°29'24" East, Along Said Baseline Of Survey, A Distance Of 817.04 Feet; Thence South 61°16'06" West, A Distance Of 150.04 Feet To The Southwesterly Existing Limited Access Right Of Way Line Of Said State Road No. 9 (Interstate 95), Also Being The Northeast Corner Of Tract "J" (Landscape/Access), As Shown On The Plat Of Cascades At World Golf Village, As Recorded In Map Book 54, Page 15-29 Of The Public Records Of St. Johns County, Florida And The **Point Of Beginning**; Thence Continue South 61°16'06" West, Along The North Line Of Said Tract "J" (Landscape/Access), A Distance Of 9.41 Feet To A Non-Tangent Curve To The Left, Having A Radius Of 50.00 Feet; Thence Northwesterly And Southwesterly Along Said North Line Of Tract "J" (Landscape/Access) And The North Line Of Tract "GG" (Lake) As Shown On Said Plat Of Cascades At World Golf Village, And The Arc Of Said Curve, Through An Angle Of 112°58'03", An Arc Distance Of 98.58 Feet, And A Chord Bearing And Distance Of North 84°29'47" West, 83.37 Feet To The Point Of Tangency Of Said Curve; Thence South 39°01'11" West, Continuing Along Said North Line Of Tract "GG", A Distance Of 76.39 Feet To The Point Of Curvature Of A Curve To The Left, Having A Radius Of 50.00 Feet; Thence Southwesterly Along Said North Line Of Tract "GG" And The Arc Of Said Curve, Through An Angle Of 67°43'28", An Arc Distance Of 59.10 Feet And A Chord Bearing And Distance Of South 05°09'28" West, 55.72 Feet; Thence South 51°49'33" West, Continuing Along Said North Line Of Tract "GG", A Distance Of 6.75 Feet; Thence North 39°18'34" West, Continuing Along Said North Line Of Tract "GG," And Along The East Line Of Tract "HH" As Shown On Said Plat Of Cascades At World Golf Village, A Distance Of 72.11 Feet To A 4"X4" Concrete Monument With Disk, Stamped "PRM LB 6739", Marking The Northeast Corner Of Said Tract "HH", (Upland Buffer), As Shown On Said Plat Of Cascades At World Golf Village; Thence Along The North Line Of Said Tract "HH" The Following Seven (7) Courses; (1) South 74°34'19" West, 26.31 Feet; (2) South 45°07'06" West, 38.30 Feet; (3) South 32°59'52" West, 33.09 Feet; (4) South 64°36'31" West, 36.90 Feet; (5) South 72°58'22" West, 36.44 Feet; (6) South 86°14'34" West, 39.71 Feet; (7) North 70°43'46" West, 28.64 Feet To The North Line Of Said Tract "GG"; Thence South 89°02'21" West, Along Said North Line Of Tract "GG", A Distance Of 134.08 Feet To A 4"X4" Concrete Monument With Disk, Stamped "PRM LB 6739", Marking The Northwest Corner Of The Plat Of Said Cascades At World Golf Village And Being On The West Line Of Said Section 3; Thence North 00°59'12" West, Along The West Line Of Said Section 3, A Distance Of 935.60 Feet To The Northwest Corner Of Said Section 3; Thence North 89°05'12" East, Along The North Line Of Said Section 3, A Distance Of 137.60 Feet To The Southwesterly Existing Limited Access Right Of Way Line Of Said State Road No. 9 (Interstate 95); Thence South 27°29'24" East, Along Said Existing Limited Access Right Of Way Line, A Distance Of 895.33 Feet To The **Point Of Beginning**.

Containing 7.270 Acres, More Or Less.

TOWNSHIP 5 SOUTH & TOWNSHIP 6 SOUTH, RANGE 28 EAST



- AS TO PARCEL 192-0017:
1. COORDINATION/FACILITIES EASEMENT
D.A.R. 192, P.G. 87 (PLANET)
 - AS TO PARCEL 192 & 193:
 1. CO. GAS & POWER LEASE
D.A.R. 192, P.G. 79-192 (PLANET)
 2. EJECTA OF CONTRACT
D.A.R. 192, P.G. 49-192 & 49-193 (PLANET)
 3. NOTICE OF REGISTRATION OF SUBSURFACE INTERESTS
D.A.R. 192, P.G. 49-192 (PLANET)
 4. REFORMATION OF SPRING LEASE
D.A.R. 192, P.G. 19-192 (PLANET)
 5. CO. GAS & POWER LEASE
D.A.R. 192, P.G. 170-192 (PLANET)
 6. ACCESS EASEMENT
D.A.R. 192, P.G. 49-192 (PLANET)
 7. GRANT OF ACCESS EASEMENT
D.A.R. 192, P.G. 19-192 (PLANET)
 8. DECLARATION OF COVENANTS AND
RESTRICTIONS
D.A.R. 192, P.G. 19-192 (PLANET)
 9. COORDINATION/FACILITIES
EASEMENT D.A.R. 192, P.G. 87
(PLANET)
 10. ST. JOHN'S WATER AND WASTEWATER
UTILITIES EASEMENT AGREEMENT
D.A.R. 192, P.G. 19-192

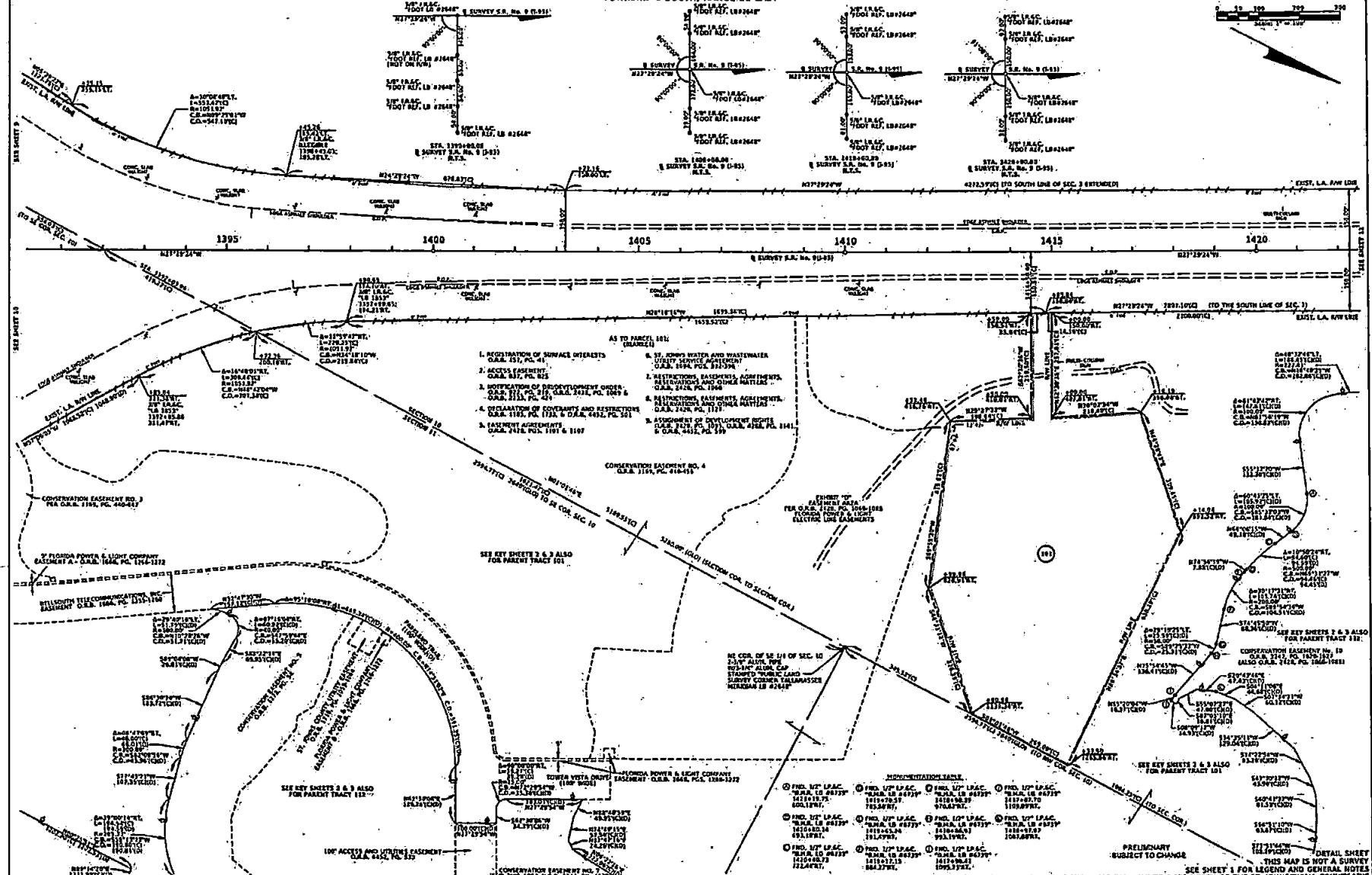
CURVE DATA				
CURVE	Δ	RADIUS	LENGTH	CHORD BEARING
C1	217°24'19"	300.00(CR)	163.15(CR)	50°11'16"
C2	09°39'04"	112.44(CR)	12.24(CR)	80°17'44"
C3	83°31'54"	43.00(CR)	28.99(CR)	42°18'00"
C4	78°07'15"	20.00(CR)	11.33(CR)	44°00'00"
C5	104°27'03"	50.00(CR)	32.91(CR)	51°30'00"
C6	17°12'28"	30.00(CR)	16.32(CR)	85°27'00"
C7	21°18'07"	36.00(CR)	19.82(CR)	83°12'00"

LINE DATA		
LINE	BEARING	DISTANCE
L1	S64°50'17"W	7.87(CR)
L2	N02°19'03"W	102.74(CR)
L3	S01°11'38"E	17.61(CR)
L4	N10°18'00"W	64.71(CR)
L5	S18°18'19"W	38.81(CR)
L6	S45°07'08"W	27.01(CR)
L7	S12°01'00"W	21.11(CR)
L8	S44°35'21"W	67.85(CR)
L9	S27°18'27"W	41.11(CR)
L10	S84°45'17"W	41.11(CR)
L11	N08°47'47"W	11.71(CR)
L12	N10°11'14"W	24.00(CR)
L13	N02°02'00"W	24.00(CR)
L14	S11°31'27"E	6.11(CR)
L15	S55°07'11"W	18.11(CR)
L16	N11°02'00"W	12.11(CR)
L17	S41°18'00"W	7.11(CR)

PRELIMINARY
SUBJECT TO CHANGE

RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	DRAWN BY	DATE	CHECKED BY	DATE	BY	DATE	F.A.P. No. 11/A	SECTION 28080	DATE PREPARED BY	DRAWN BY	CHECKED BY	DATE	F.P. No. 4240264	SHEET 13 OF 28

TOWNSHIP 6 SOUTH, RANGE 28 EAST



FLORIDA DEPARTMENT OF TRANSPORTATION
SURVEYING AND MAPPING

APPROVED BY: [Signature]
DATE: [Date]

NO.	DATE	REVISIONS	BY	CHKD.	APP'D.

STATE ROAD No. 9 (R-25) FROM 7.081 FEET SOUTH OF INTERNATIONAL GOLF PARKWAY TO 7.933 NORTH OF THE ST. JOHN'S COUNTY/DAVAL COUNTY LINE

SECTION 10 & 11

P.P.P. No. N/A

ST. JOHN'S COUNTY/DAVAL COUNTY

P.P. No. 4240264

SHEET 11 OF 26



St. Johns County Board of County Commissioners

Utility Department

INTEROFFICE MEMORANDUM

TO: Debbie Taylor, Real Estate Manager
Jessica Getchius, Real Estate Coordinator

FROM: Gordon Smith, Assistant Director of Engineering & Operations *CSH*

SUBJECT: Florida Department of Transportation SR-9, Parcel - 101, 102, 103,
Subordination of County Utility Interests

DATE: January 7, 2019

Please find attached (3) copies of the "Subordination of County Utility Interest" documents.

Currently, there is no utility infrastructure located within the FDOT parcels described in Exhibit "A" to the Subordination of County Utility Interests document.

The FDOT is acquiring lands for pond sites related to improvements to SR-9 (I-95) over portions of which St. Johns County has easement(s) for utilities.

Please execute the attached documents per the FDOT request.

We greatly appreciate your support and cooperation.





Subject Area

Interstate 95
Interstate 95

N. LEGACY

SUGAR LOAF LN



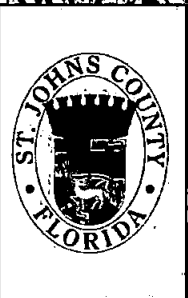

 2016 Aerial Imagery

 Date: 1/2/2019

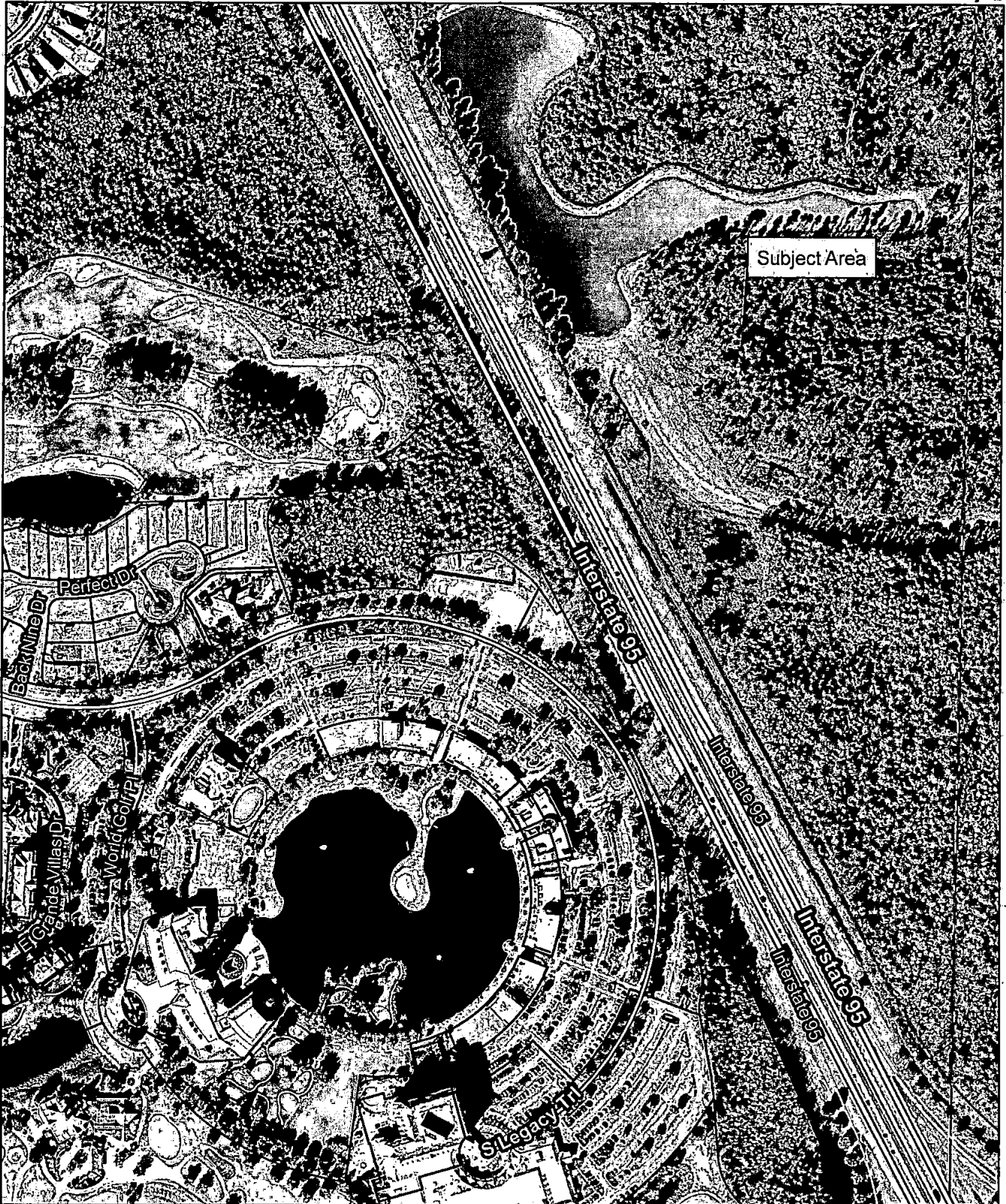
**Subordination of County
 Utility Interest in
 OR1094/332**

**FDOT Parcels
 102 & 103**

**Land Management
 Systems
 Real Estate
 Division
 (904) 209-0782**

Disclaimer:
 This map is for reference use only.
 Data provided are derived from multiple
 sources with varying levels of accuracy.
 The St. Johns County Real Estate
 Division disclaims all responsibility
 for the accuracy or completeness
 of the data shown hereon.





Subject Area



2016 Aerial Imagery

0 85 170 340
Feet

Date: 1/2/2019

*Subordination of County
Utility Interest in
OR1094/332*

FDOT Parcel 101

Land Management
Systems
Real Estate
Division
(904) 209-0782

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