

Midway City Council
19 July 2022
Regular Meeting

Haven Farms Subdivision /
Amendment



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: July 19, 2022

NAME OF PROJECT: Haven Farms Rural Preservation Subdivision

NAME OF APPLICANT: The Wasatch Valley Trust

AUTHORIZED REPRESENTATIVE: Summit Engineering Group

AGENDA ITEM: Plat Amendment of Lots 6, 7, and 8

LOCATION: 122 West 1290 South (Lot 8), 184 West 1290 South (Lot 7), and 258 West 1290 South (Lot 6)

ZONING DESIGNATION: RA-1-43 zone

ITEM: 8

Summit Engineering Group, agent for The Wasatch Valley Trust, is proposing a plat amendment of the Haven Farms Rural Preservation Subdivision Lots 6, 7, and 8. The proposal is to adjust the common boundaries of the three lots. The properties are located at 122 West 1290 South (Lot 8), 184 West 1290 South (Lot 7), and 258 West 1290 South (Lot 6) and are in the RA-1-43 zone.

BACKGROUND:

The Wasatch Valley Trust is proposing a plat amendment to the Haven Farms Rural Preservation Subdivision. The properties are located at 122 West 1290 South (Lot 8), 184 West 1290 South (Lot 7), and 258 West 1290 South (Lot 6) and are in the RA-1-43 zone. The proposal is to adjust the common lot line between the three lots. Currently Lot 8 is 3.41 acres, Lot 7 is 4.26 acres, and Lot 6 is 3.75 acres. After the amendment Lot 8 will be 2.81 acres, Lot 7 will be 2.84 acres, and

Lot 6 will be 5.77 acres. This result is Lot 8 will decrease by 0.6 acres, Lot 7 will decrease by 1.42 acres, and Lot 6 will increase by 2.02 acres.

The proposal does not create any additional lots and therefore should not have an impact on traffic, water, or sewer. The adjustments to the property lines should not impact existing sewer and water laterals that are installed to the lots.

ANALYSIS:

A plat amendment is usually a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. Subsection 9a-608(5)(a) states “a land use authority may consider at a public meeting an owner’s petition to vacate or amend a subdivision plat if the petition seeks to:

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

With that being said, a lot line adjustment is an administrative action, according to state law, as long as the properties comply with the land use ordinance. Utah law states that “owners of record of adjacent parcels...may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b). Utah Code 10-9a-608(5)(a). Subsection (5)(b) states that “the land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.”

No public street, right-of-way, or easements will be vacated. The 10’ public utility easements that run along both sides of the common boundary line will be adjusted so that it continues to run along the common boundary line.

Haven Farms is a Rural Preservation Subdivision which has specific restrictions that apply. The lots are all deed restricted and are not allowed to be further subdivided. The proposal is to adjust the boundaries between the three lots and does not violate any of the rural preservation code. Density will remain the same and the lots still comply with the minimum acreage requirements of one acre in the RA-1-43 zone.

The duration of a plat amendment approval shall be for one year from the date of approval of the amendment by the City Council. Should the amended plat not be recorded by the County Recorder within the one-year period of time, the plat amendment’s approval shall be voided, and approval must be re-obtained, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without

conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

POSSIBLE FINDINGS:

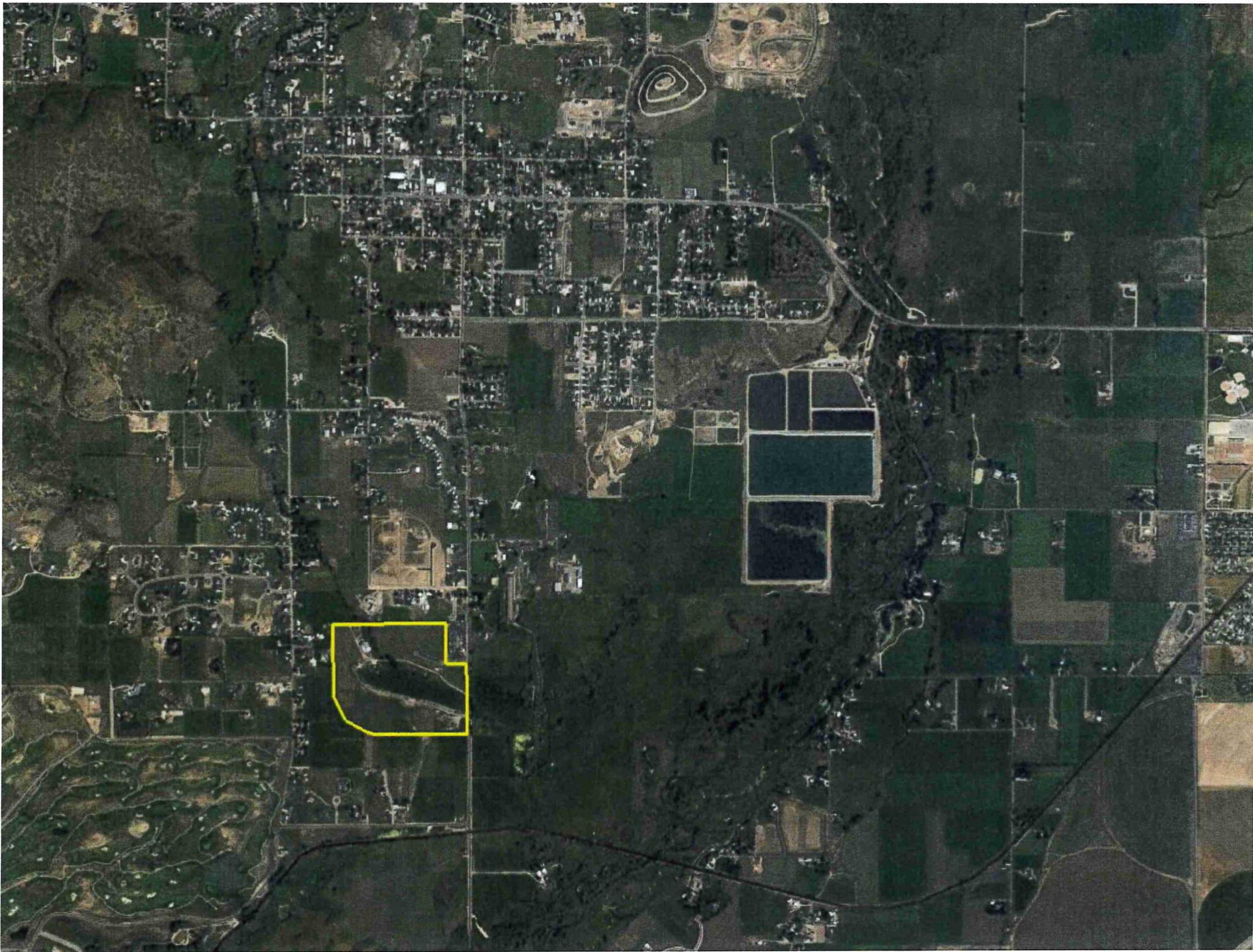
- Lots 6, 7, and 8 will continue to conform to the requirements of the Rural Preservation Subdivision code and for lots in the RA-1-43 zone.
- State law requires a land use authority to approve a lot line adjustment if the exchange will not result in a violation of any land use ordinance, no violations have been identified
- State law states a plat amendment may be considered by the land use authority at a public meeting
- No public street, right-of-way, or easement will be vacated or altered

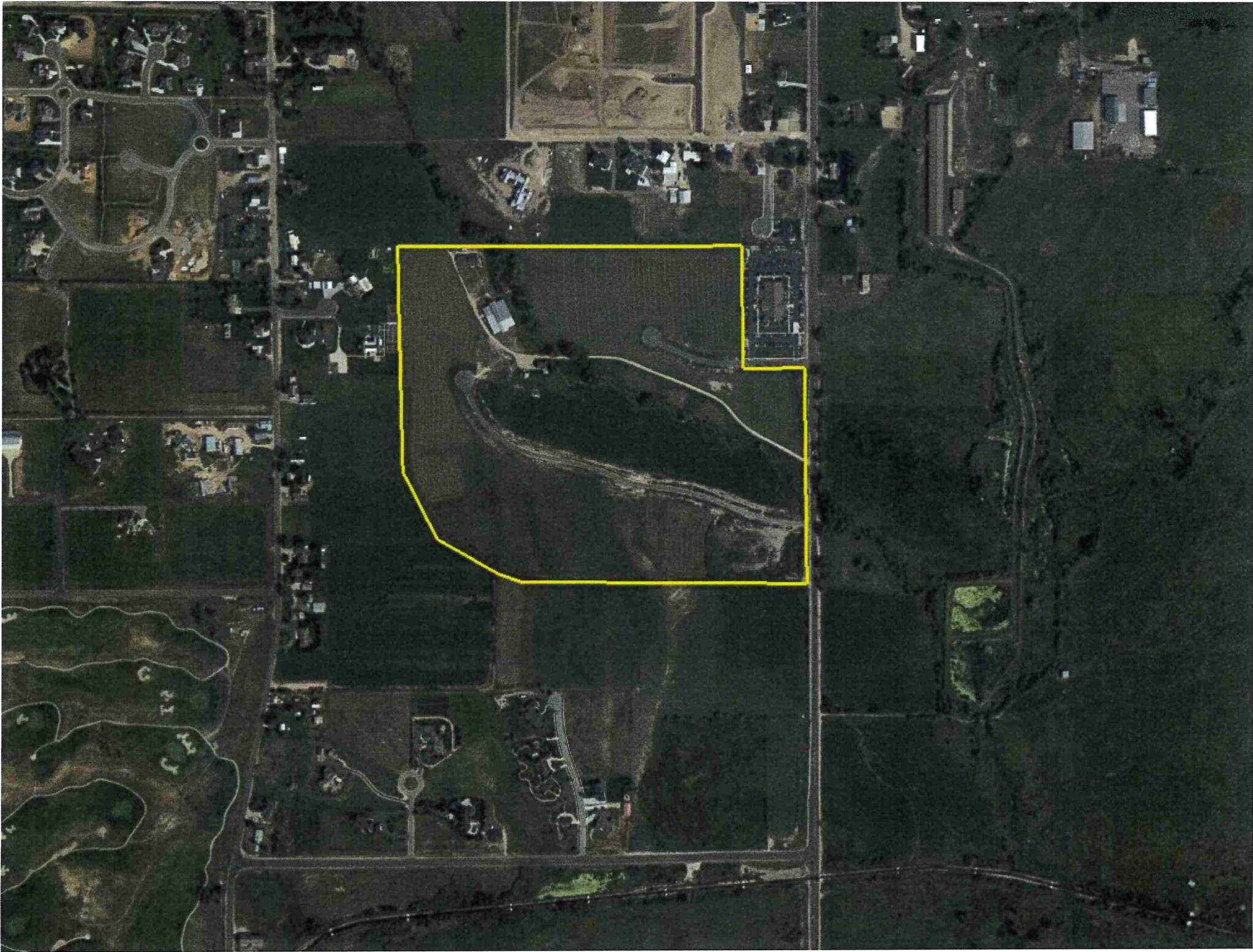
ALTERNATIVE ACTIONS:

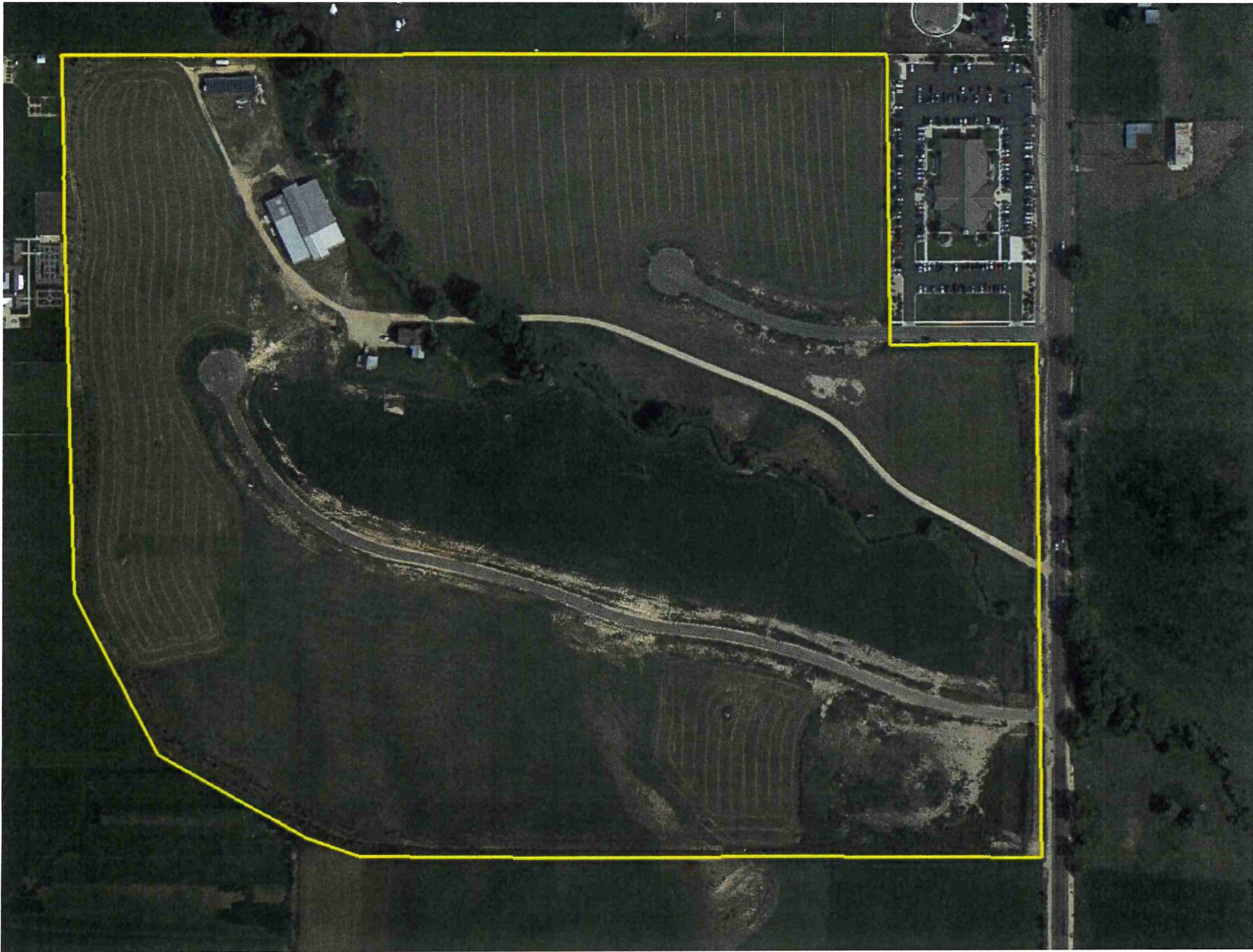
1. Approval (conditional). This action can be taken if the City Council feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

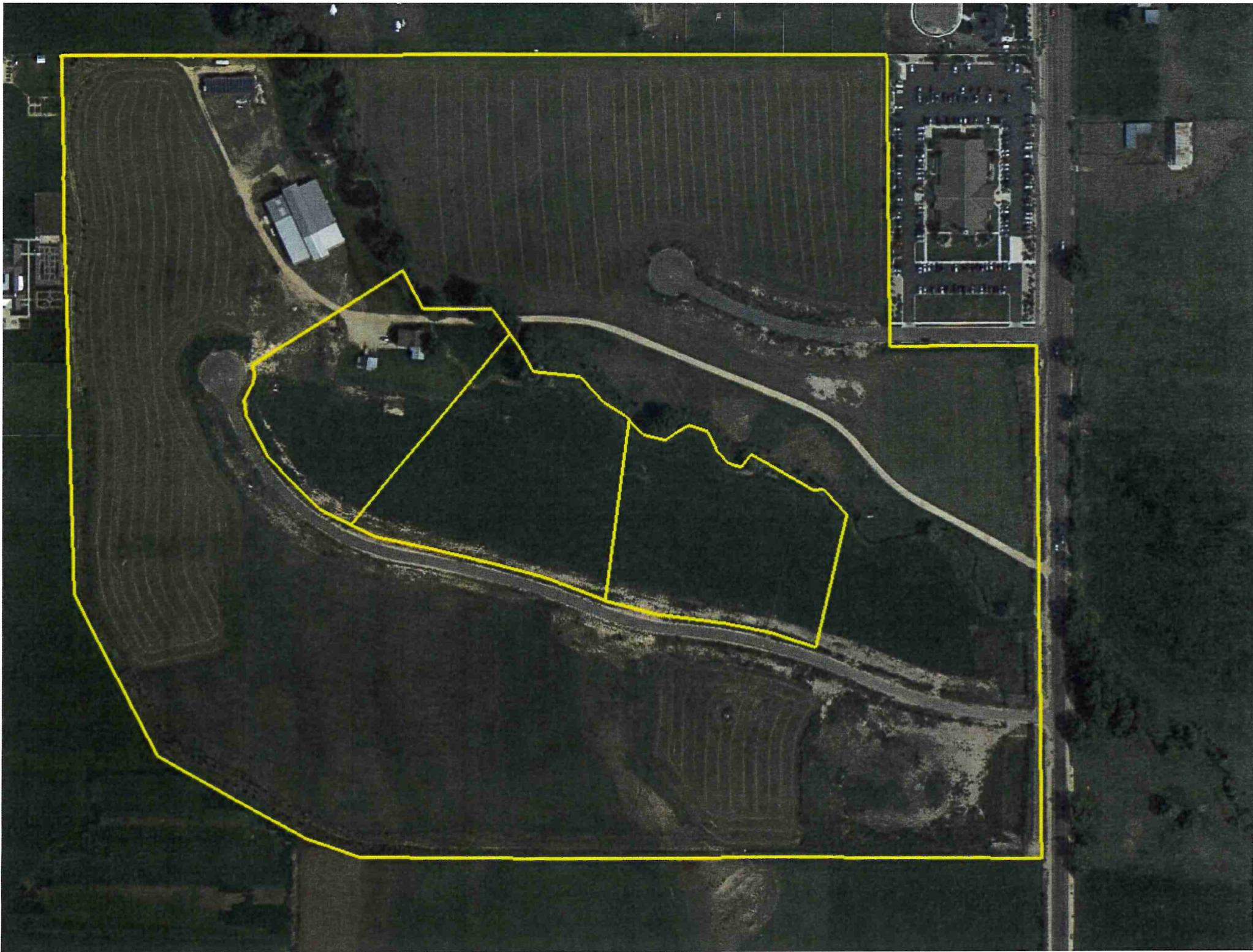
PROPOSED CONDITIONS:

None



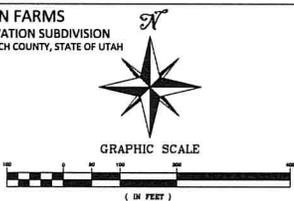






Parcel Line Table		Parcel Line Table		Parcel Line Table		Parcel Line Table		Parcel Line Table						
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction			
L1	28.60	N15° 59' 31.83"W	L12	14.21	N40° 28' 27.30"W	L23	53.88	N58° 24' 44.37"W	L34	41.91	N8° 54' 22.77"W	L45	61.07	N82° 11' 38.40"W
L2	52.99	N30° 34' 33.09"W	L13	50.04	N86° 54' 46.23"W	L24	53.77	N07° 41' 09.84"W	L35	35.15	N25° 10' 40.63"W	L46	45.20	S58° 28' 36.18"E
L3	58.48	N54° 08' 24.32"W	L14	39.41	N58° 53' 21.04"W	L25	39.72	N63° 01' 09.18"W	L36	23.14	N7° 21' 50.33"W			
L4	74.08	N84° 48' 35.05"W	L15	32.81	S52° 34' 05.23"W	L26	29.08	N14° 39' 33.14"W	L37	12.63	N40° 17' 16.89"W			
L5	23.07	S54° 09' 37.74"W	L16	65.25	N24° 24' 25.25"W	L27	36.35	N47° 24' 23.11"W	L38	45.60	N73° 03' 30.47"W			
L6	27.54	N50° 42' 53.49"W	L17	24.84	N40° 01' 58.49"W	L28	18.72	N83° 47' 47.50"W	L39	25.00	N47° 56' 28.57"W			
L7	45.47	N40° 28' 27.30"W	L18	34.71	S40° 44' 54.78"W	L29	29.91	S63° 26' 44.53"W	L40	41.80	N84° 40' 49.98"W			
L8	82.51	N28° 17' 48.03"W	L19	30.80	N72° 23' 10.47"W	L30	80.83	S77° 21' 34.40"W	L41	3.87	N90° 00' 00.00"W			
L9	89.28	N82° 17' 25.15"W	L20	22.78	N51° 39' 38.64"W	L31	59.51	N67° 37' 12.48"W	L42	8.59	N59° 14' 39.38"W			
L10	117.07	N50° 09' 08.12"W	L21	17.27	S52° 21' 39.89"W	L32	37.06	N48° 30' 48.68"W	L43	29.96	S89° 32' 08.00"W			
L11	38.93	N41° 59' 18.91"W	L22	55.79	N82° 43' 00.74"W	L33	25.89	N19° 47' 11.73"W	L44	59.68	S40° 28' 27.30"E			

HAVEN FARMS
RURAL PRESERVATION SUBDIVISION
MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH



SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9A-603 OF THE UTAH CODE, I, JEFFREY C. STROMBERG, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7027191 IN ACCORDANCE WITH TITLE 56, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

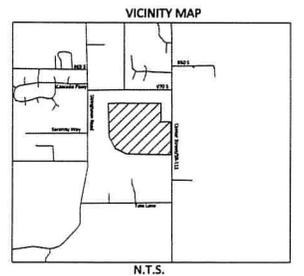
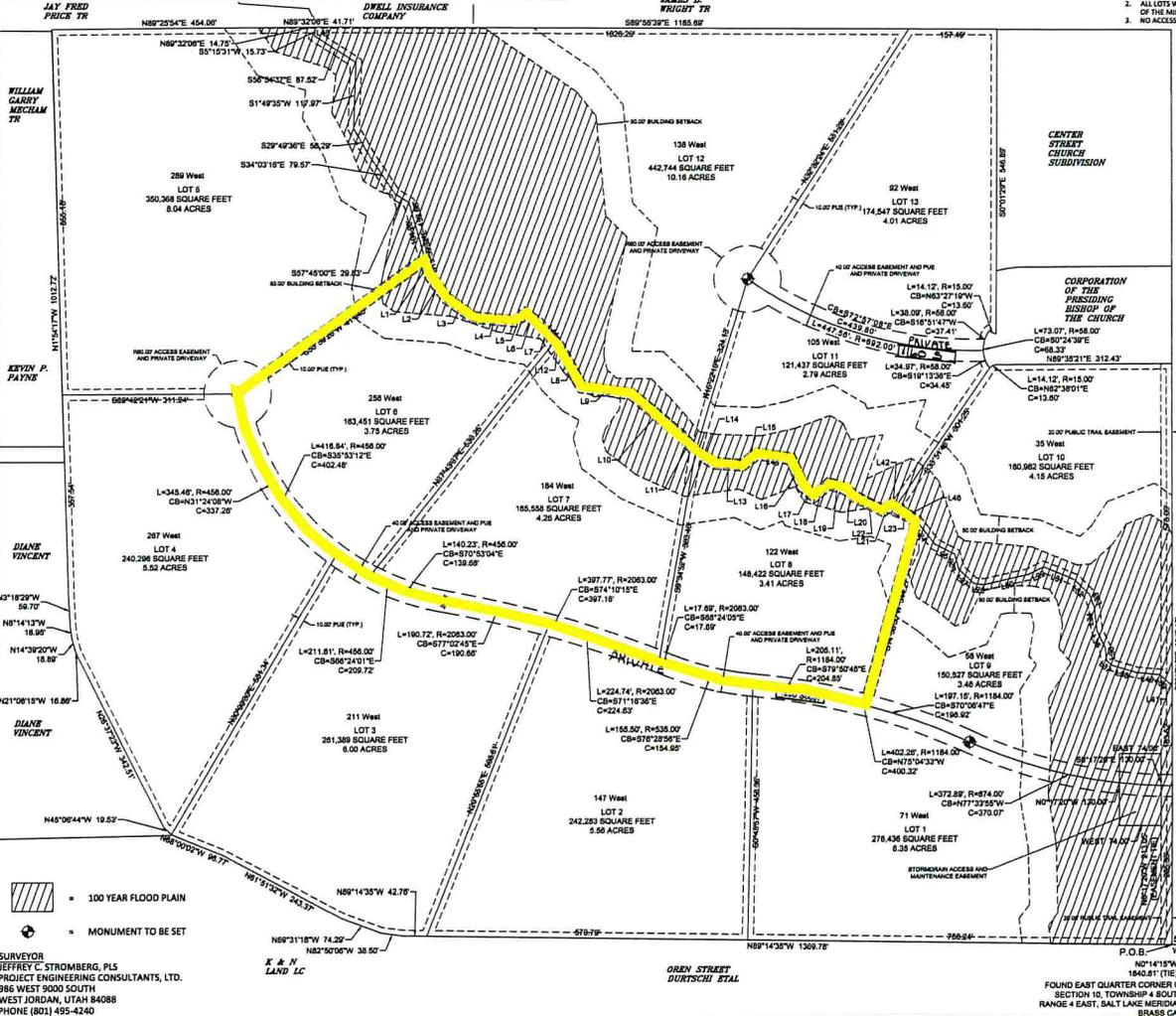
I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE: 10/15/2019
SURVEYOR (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 113 (CENTER STREET), SAID POINT BEING ON THE EASTERLY EXTENSION OF AN EXISTING WIRE FENCE LINE, SAID POINT IS NORTH 00°14'15" WEST 1840.81 FEET ALONG SECTION LINE AND WEST 55.89 FEET FROM THE EAST QUARTER CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE TO AND ALONG SAID WIRE FENCE THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES: (1) NORTH 89°14'35" WEST 1369.78 FEET; (2) NORTH 82°50'06" WEST 38.50 FEET; (3) NORTH 69°31'18" WEST 74.29 FEET; (4) NORTH 61°51'32" WEST 243.37 FEET; (5) NORTH 68°00'02" WEST 96.77 FEET; (6) NORTH 45°06'64" WEST 19.53; (7) NORTH 26°37'23" WEST 342.51 FEET; (8) NORTH 21°06'15" WEST 16.86 FEET; (9) NORTH 34°39'20" WEST 18.89 FEET; (10) NORTH 08°14'13" WEST 18.95 FEET; (11) NORTH 03°18'29" WEST 59.70 FEET; (12) NORTH 01°54'19" WEST 1012.72 FEET; (13) NORTH 89°25'54" EAST 454.06 FEET; THENCE NORTH 89°32'00" EAST 41.71 FEET TO THE WESTERLY END OF AN EXISTING VINYL FENCE; THENCE SOUTH 89°55'39" EAST 1185.69 FEET; THENCE SOUTH 00°01'29" EAST 546.89 FEET TO, ALONG AND BEYOND THE WESTERLY LINE OF CENTER STREET CHURCH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE WASATCH COUNTY RECORDER, THENCE 14.12 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 62°38'01" EAST 13.60 FEET); THENCE 73.07 FEET ALONG THE ARC OF A 58.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS SOUTH 02°24'59" EAST 68.33 FEET); THENCE 14.11 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 62°38'01" EAST 13.60 FEET); THENCE NORTH 89°35'21" EAST 312.43 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 113; THENCE SOUTH 00°17'19" EAST 1047.13 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINS: 2,938,460 SQUARE FEET OR 67.458 ACRES.



ENTRANCE 477175, BOOK 200, PAGE 018-001
DATE 05-23-2019 TIME 2:02 PM PER TITLE 56, CHAPTER 22, UTAH CODE FOR QUEENBERRY STEPHEN
BY T.L. WASATCH COUNTY RECORDER DEEDY FOY SELTER

FOUND NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE MERIDIAN, BRASS CAP.

AT GARDNER MIDWAY RIVER LC
APPROVED BY: [Signature]
CITY ENGINEER

Horrocks Engineers
Approved by: [Signature]
DATE: 10-15-19

DATE: 10-15-19
MIDWAY IRRIGATION COMPANY
MIDWAY SANITATION DISTRICT

DATE: 10-23-20
MIDWAY IRRIGATION COMPANY
DATE: 10-16-19
MIDWAY SANITATION DISTRICT

COUNTY SURVEYOR
APPROVED AS TO FORM ON THIS 15th DAY OF October 2019
ROS # 3360
COUNTY SURVEYOR

BASIS OF BEARING

THE BASIS OF BEARING IS NORTH 00°14'15" WEST 2671.45 FEET (MEASURED BETWEEN THE TWO SECTION CORNERS SHOWN ON THE PLAT).

OWNER'S DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 10 DAY OF March, A.D. 2019 2020
BY: Jeannette Stippig, Trustee
BY: [Signature]
HARRIS HARRISON, TRUSTEE OF THE JAMES H. WRIGHT TR
MANAGER, 1845 FORT WARD, MIDWAY, UTAH

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF Wasatch }
ON THE 10th DAY OF March, A.D. 2019, PERSONALLY APPEARED BEFORE ME, SENIOR JUDGE IN LAW, [Signature], WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED. MY COMMISSION EXPIRES 12/24/2021. [Signature]
NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, HEREON SHOWN:

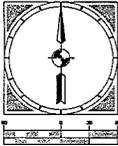
THIS 8 DAY OF January, A.D. 2019 2020
APPROVED: [Signature] MAYOR
ATTEST: [Signature] CLERK-RECORDER
APPROVED: [Signature] CITY ENGINEER
APPROVED: [Signature] CITY ATTORNEY

PLANNING COMMISSION APPROVAL
APPROVED THIS 8th DAY OF January, A.D. 2019 BY THE MIDWAY CITY PLANNING COMMISSION.
[Signature] PLANNING DIRECTOR
[Signature] CHAIRMAN, PLANNING COMMISSION

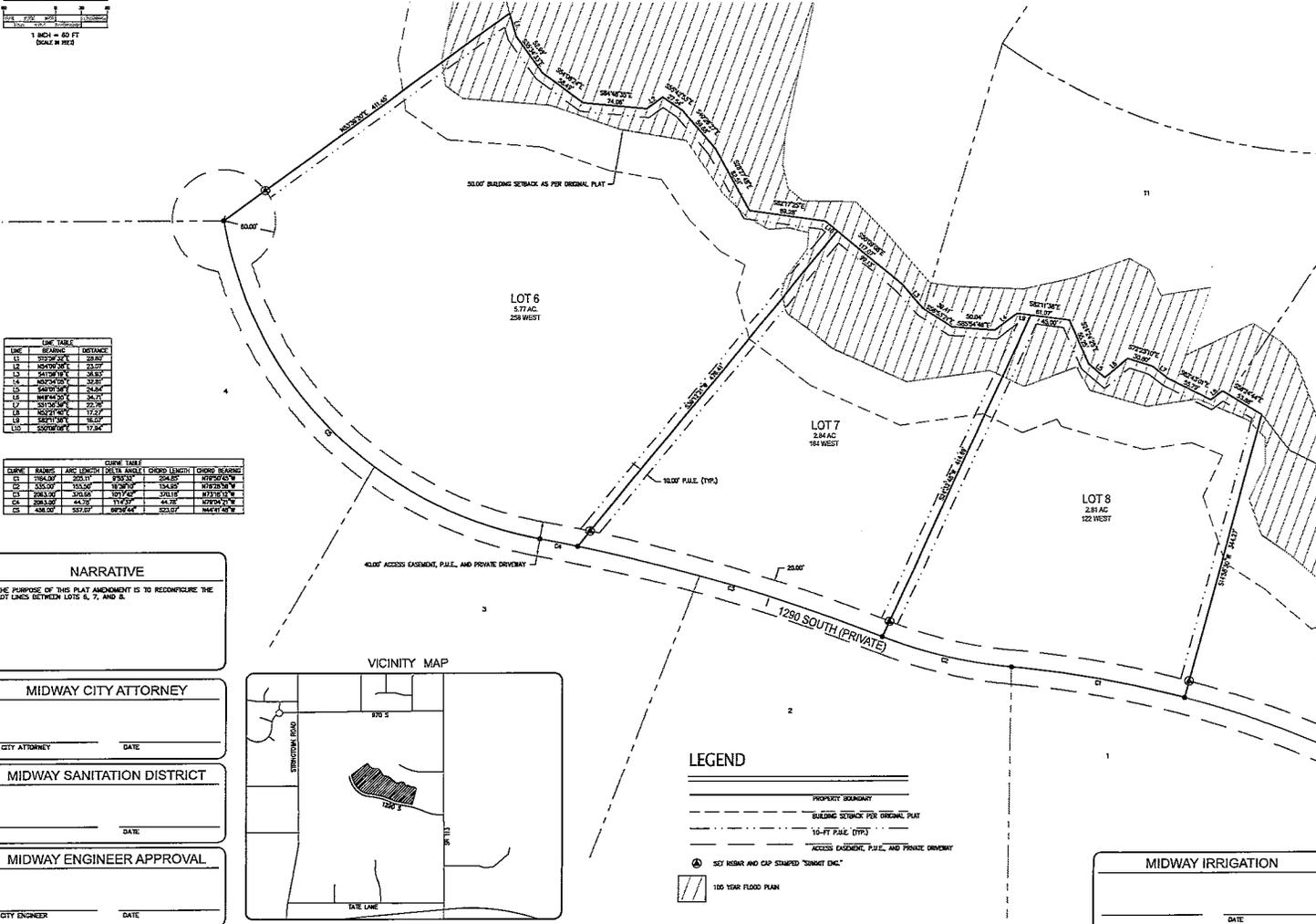
HAVEN FARMS
RURAL PRESERVATION SUBDIVISION
MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3 AND THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE MERIDIAN.
SCALE 1" = 100 FEET

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY ENGINEER SEAL CLERK-RECORDER SEAL



HAVEN FARMS LOTS 6, 7, AND 8 AMENDED



LINE	BEARING	DISTANCE
L1	S20°24'00"W	39.00'
L2	S47°30'00"W	23.00'
L3	S14°15'00"W	36.00'
L4	S42°30'00"W	32.00'
L5	S41°30'00"W	24.00'
L6	N18°30'00"E	24.00'
L7	S17°15'00"W	27.00'
L8	S20°24'00"W	17.00'
L9	S20°24'00"W	16.00'
L10	S20°24'00"W	17.00'

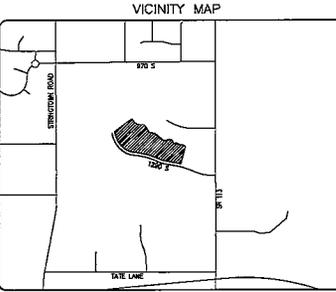
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	100.00'	24.11'	27°00'	24.00'	N78°15'00"W
C2	100.00'	24.11'	27°00'	24.00'	N18°15'00"W
C3	200.00'	37.68'	30°00'	37.50'	N77°15'00"W
C4	200.00'	37.68'	30°00'	37.50'	N17°15'00"W
C5	400.00'	57.07'	30°00'	57.00'	N44°15'00"W

NARRATIVE
THE PURPOSE OF THIS PLAT AMENDMENT IS TO RECONFIGURE THE LOT LINES BETWEEN LOTS 6, 7, AND 8.

MIDWAY CITY ATTORNEY
CITY ATTORNEY _____ DATE _____

MIDWAY SANITATION DISTRICT
DATE _____

MIDWAY ENGINEER APPROVAL
CITY ENGINEER _____ DATE _____



- LEGEND**
- PROPERTY BOUNDARY
 - BUILDING SETBACK PER ORIGINAL PLAT
 - 10-FT EASE. (TYP)
 - ACCESS EASEMENT, P.U.E., AND PRIVATE DRIVEWAY
 - SET BEAR AND CAP STAMPED "SUBMIT ENCL."
 - 100 YEAR FLOOD PLAIN

MIDWAY IRRIGATION
DATE _____

SURVEYOR'S CERTIFICATE

I, DEREK KOHLER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11725333 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW.

DEREK KOHLER
PROFESSIONAL LAND SURVEYOR

DATE _____
SURVEYOR'S SEAL

BOUNDARY DESCRIPTION

LOTS 6, 7, AND 8 OF HAVEN FARMS SUBDIVISION PER ORIGINAL SUBDIVISION PLAT (ENTRY NO. 477173) ON FILE AND OF RECORD IN THE OFFICE OF RECORDER, WASATCH COUNTY, UTAH.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS FROM THE ORIGINAL RECORDED SUBDIVISION PLAT FOR HAVEN FARMS (ENTRY NO. 477173).

OWNER'S DEDICATION AND CONSENT TO RECORD

I, THE UNDERSIGNED OWNER OF LOTS 6, 7, AND 8 IN HAVEN FARMS, SHOWN ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THIS PLAT AMENDMENT TO BE CREATED, AND GRANT TO MIDWAY CITY THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, AND HEREBY GIVE CONSENT TO RECORD THIS PLAT.

KACI GREEN JOHNSON, TRUSTEE
THE WASATCH VALLEY TRUST, DATED MARCH 6, 2017

DATE _____

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS DAY OF _____, _____ PERSONALLY APPEARED BEFORE ME KACI GREEN JOHNSON, NOTARIAL PUBLIC, WHO SIGNED THE ABOVE OWNER'S SIGNATURE AND CONSENT TO RECORD, AND WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARIAL PUBLIC _____ MY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF MIDWAY, UTAH, APPROVES THIS SUBDIVISION PLAT AMENDMENT SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, THIS _____ DAY OF _____, 2022.

MAYOR _____

CLERK-RECORDER _____

PLANNING APPROVAL

APPROVED THIS DAY OF _____, BY THE PLANNING DIRECTOR OF MIDWAY, UTAH.

PLANNING DIRECTOR _____

WASATCH COUNTY RECORDER

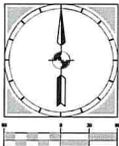
ENTRY # _____ DATE _____ TIME _____
FEES: _____ BOOK _____ PAGE _____ FOR _____
BY _____ WASATCH COUNTY RECORDER MARGY M. MURRAY.

PROJECT: L22-211
PREPARED FOR: KACI JOHNSON
SHEET: 1 OF 1
PROJECT: HAVEN FARMS, LOTS 6, 7, AND 8



**HAVEN FARMS
LOTS 6, 7, AND 8 AMENDED**
LOCATED IN THE NORTHEAST 1/4 OF SECTION 10 AND THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 3 EAST, S138M, MIDWAY CITY, WASATCH COUNTY, UTAH

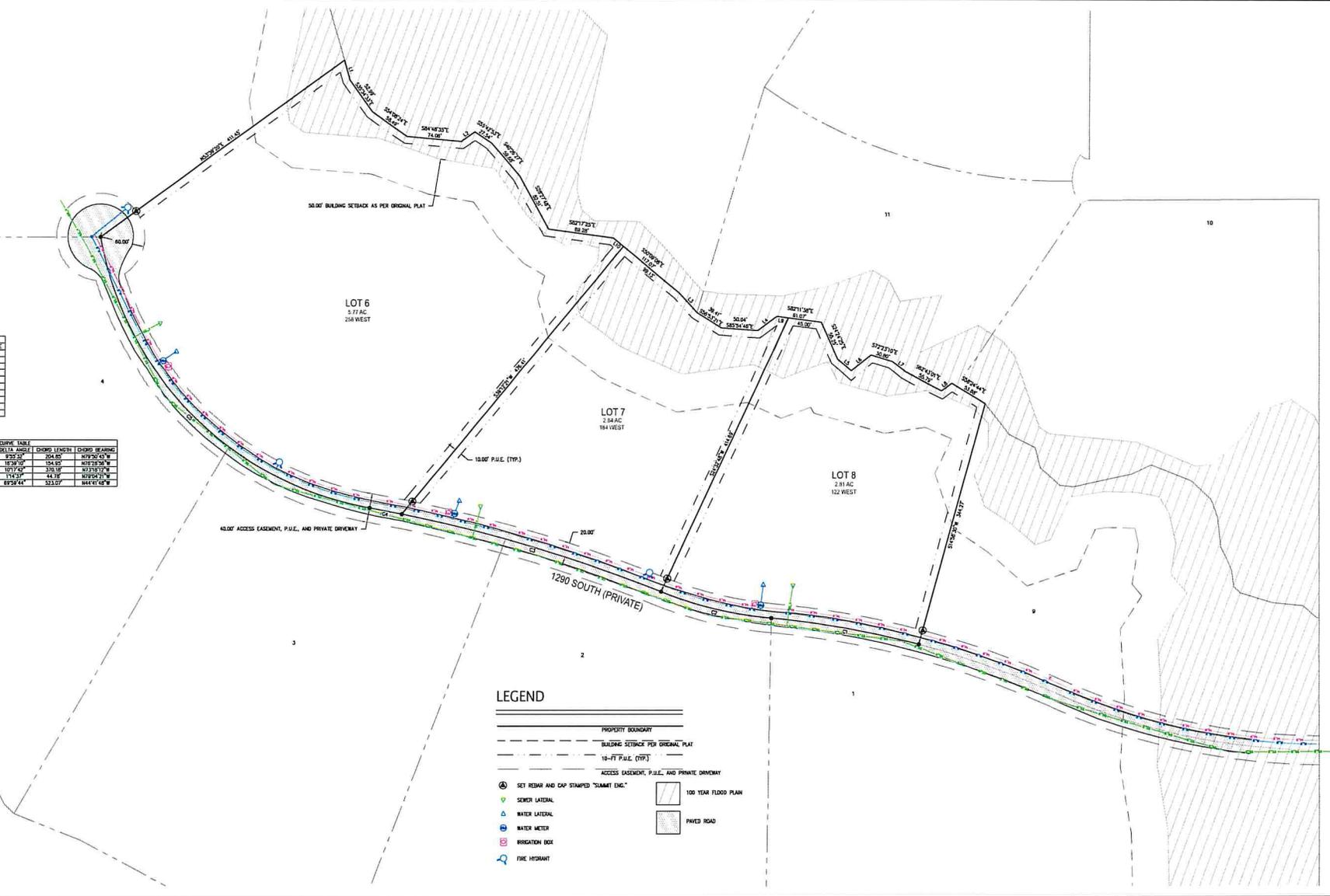
COUNTY SURVEYOR APPROVAL
APPROVED AS TO FORM RECORD OF SURVEY # _____
WASATCH COUNTY SURVEYOR _____ DATE _____



1" = 80 FT
SCALE IN FEET

LINE	BEARING	DISTANCE
L1	S21°56'22"E	28.87'
L2	S24°59'26"E	23.07'
L3	S41°50'17"E	36.93'
L4	S27°19'12"E	32.81'
L5	S49°57'26"E	24.84'
L6	N49°57'20"E	34.71'
L7	S31°36'38"E	22.73'
L8	S27°21'42"E	17.57'
L9	S42°11'25"E	18.87'
L10	S29°09'29"E	17.94'

CURVE	BEARING	LINE LENGTH	SETBACK	CHORD LENGTH	CHORD BEARING
C1	N18°44'50"	205.11'	830.25'	204.85'	N79°20'43"W
C2	S20°11'50"	150.20'	87.90'	154.85'	N79°20'36"W
C3	S26°13'50"	210.86'	107.19'	216.18'	N79°20'37"W
C4	S26°13'50"	44.18'	174.97'	44.18'	N26°54'21"W
C5	S42°11'25"	53.27'	879.44'	53.27'	N44°11'48"W



LEGEND

- PROPERTY BOUNDARY
- BUILDING SETBACK PER ORIGINAL PLAT
- 10-FT P.U.E. (TYP.)
- ACCESS EASEMENT, P.U.E., AND PRIVATE DRIVEWAY
- SET REBAR AND CAP STAMPED "SUMMIT ENG."
- SEWER LATERAL
- WATER LATERAL
- WATER METER
- IRIGATION BOX
- FIRE HYDRANT
- 100 YEAR FLOOD PLAN
- PAVED ROAD

PROJECT L22-211	PREPARED FOR KACI JOHNSON
SHEET 1 OF 1	PROJECT HAVEN FARMS, LOTS 6-8 AMENDED

UTILITY PLAN

LOCATED IN THE NORTHEAST 1/4 OF SECTION 10 AND THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 3 EAST, 92.84M.
WASATCH COUNTY, UTAH

DRAWN BY: BRM
REVIEWED BY: MPJ
SCALE: 1" = 80'
ISSUE DATE: 8/18/22

Summit Engineering Group Inc.
STRUCTURAL • CIVIL • LAND SURVEYING
84 WEST CENTER • SUITE 202 178
MOUNTAIN VIEW BLVD.
PH: 435-963-1777 FAX: 435-963-1025

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