

AN ORDINANCE

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE APPROPRIATE ACTIONS TO DEMOLISH AND CLEAN VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON MARCH 31, 2005.

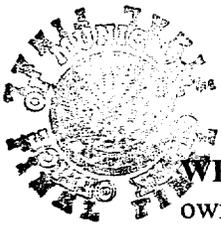
<u>Council District</u>	<u>Property Address</u>
10	2166 Belvedere Avenue, SE
03	996 DeSoto Street, NW
02	467 Felton Drive, NE
02	500 Formwalt Street, SW
02	61 Haygood Avenue, SE
12	3251 Jonesboro Road, SE
04	1297 Kenilworth Drive, SW
03	1001 Martin L. King, Jr. Dr. NW
04	804 McDaniel Street, SW
04	1007 McDaniel Street, SW

WHEREAS, on March 16,1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24,1987; and

WHEREAS, on February 24, 2005, pursuant to the Atlanta Housing Code of 1987, Article III; entitled" In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on February 24, 2005, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for occupancy or habitation and could not be improved, repaired, or altered at a cost less than fifty (50%) or less of the value of the structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and/or parties in interest an order requiring the owner(s) and/or parties in interest to repair the structures or clean the premises, vacate and close such structure(s) pursuant to Section 29 of the Atlanta Housing Code.



WHEREAS, a period of thirty (30) days from the date of said order was allowed for the owner (s) and/or parties in interest to comply with the Order.

WHEREAS, the owner(s) and/or parties in interest of the properties, failed to comply with the Order of the In Rem Review Board within the specified time;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the Mayor or her designee is authorized to demolish and clean the following real property upon which structure(s) are located:

<u>Council District</u>	<u>Property Address</u>
10	2166 Belvedere Avenue, SE
04	996 DeSoto Street, NW
03	467 Felton Drive, NE
02	500 Formwalt Street, SW
02	61 Haygood Avenue, SE
12	3251 Jonesboro Road, SE
04	1297 Kenilworth Drive, SW
03	1001 Martin L. King, Jr. Dr. NW
04	804 McDaniel Street, SW
04	1007 McDaniel Street, SW

Section 2: That the Mayor or her designee is hereby authorized to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structure, (if occupied).
- (2) Clean the premises and board the structure(s) in conformity with the In Rem Board's Order.
- (3) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired and demolished.
- (4) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

Section 3: That the Mayor or her designee is further authorized to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

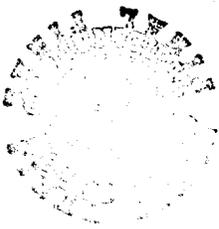
Section 4: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Shanda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005



TO WHOM IT MAY CONCERN: LIS PENDENS
 Notice is hereby given that a complaint was filed by the City of Atlanta against:

Eric W. Borders

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
 seeking relief against the following described real estate, to-wit:

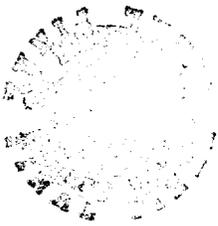
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 115 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING IN THE CITY OF ATLANTA AND BEING KNOWN AS LOT 11 IN THE SUBDIVISION OF THE FRANK S. ELLIS PROPERTY, ACCORDING TO PLAT BY CONN & KAUFFMAN, CIVIL ENGINEERS, DATED MARCH, 1910, WHICH PLAT IS RECORDED AT PLAT BOOK 4, PAGE 24, FULTON COUNTY RECORDS, AND WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE FOR A MORE COMPLETE DESCRIPTION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF DeSOTO STREET 770 FEET WEST FROM THE SOUTHWEST CORNER OF DeSOTO AND ASHBY STREETS; RUNNING THENCE WEST ALONG THE SOUTH SIDE OF DeSOTO STREET, A DISTANCE OF 45 FEET TO A POINT; RUNNING THENCE SOUTH, A DISTANCE OF 124 FEET TO A 10-FOOT ALLEY; RUNNING THENCE EAST ALONG THE NORTH SIDE OF SAID ALLEY, A DISTANCE OF 45 FEET TO A POINT; RUNNING THENCE NORTH, A DISTANCE OF 124 FEET TO DeSOTO STREET AND THE POINT OF BEGINNING; BEING THE SAME PROPERTY DESCRIBED IN DEED DATED JUNE 14, 1941, RECORDED AT DEED BOOK 1842, PAGE 219, AFORESAID RECORDS; BEING KNOWN AS 996 DeSOTO STREET, NW, ATLANTA, GA 30314, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: **March 11, 2005**

BY: Larry deShazo
 Bureau of Code Compliance, Official Agent
 (404) 330-6190
 BY: Bill Cartys
 Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
 Notice is hereby given that a complaint was filed by the City of Atlanta against:

Gideon Gransaul
 The United State of America by Department of Housing and Urban development
 America's Wholesale Lender
 Vesta Holdings, I, LLC as Nominee for Heartwood, II, LLC

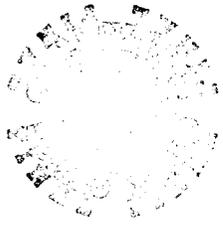
on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
 seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 47 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF FELTON DRIVE 114.5 FEET SOUTHWESTERLY FROM THE SOUTHEAST CORNER OF FELTON DRIVE AND PINE STREET; RUNNING THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY SIDE OF FELTON DRIVE 55 FEET TO PROPERTY NOW OR FORMERLY OWNED BY C.I. DIBBLE, ET AL, THENCE EAST ALONG THE DIBBLE PROPERTY 125.8 FEET, THENCE NORTH 47.7 FEET; THENCE WEST ALONG THE SOUTH SIDE OF PROPERTY NOW OR FORMERLY OWNED BY C.A. JOHNS, ET AL, 110.8 FEET TO THE POINT OF BEGINNING; BEING IMPROVED PROPERTY KNOWN AS 467 FELTON DRIVE NE, ACCORDING TO THE PRESENT PROPERTY NUMBERING SYSTEM IN THE CITY OF ATLANTA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: March 11, 2005

BY: *Larry deShazo*
 Bureau of Code Compliance, Official Agent
 (404) 330-6190
 BY: *Bill Carter*
 Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
 Notice is hereby given that a complaint was filed by the City of Atlanta against:

M.S. Kaufman, as Trustee of the 500 Formwalt Street Trust
Betty E. Shandalow

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
 seeking relief against the following described real estate, to-wit:

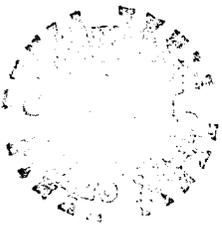
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 76, 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOUND ON THE EAST SIDE OF FORMWALT STREET 105 FEET NORTH OF THE NORTHEAST CORNER OF FORMWALT STREET AND RICHARDSON STREET; RUNNING THENCE NORTH ALONG THE EAST SIDE OF FORMWALT STREET 35 FEET; RUNNING THENCE EAST 64 FEET; RUNNING THENCE SOUTH 35 FEET; RUNNING THENCE WEST 64 FEET TO FORMWALT STREET AND THE POINT OF BEGINNING; BEING THE SAME PROPERTY CONVEYED IN DEED RECORDED AT DEED BOOK 3187, PAGE 499, FULTON COUNTY, GEORGIA RECORDS; BEING KNOWN AS 500 FORMWALT STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN FULTON COUNTY, GEORGIA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: **March 11, 2005**

BY: *Albra M. Conner*
 Bureau of Code Compliance, Official Agent
 (404) 330-6190
 BY: *Bill Canty*
 Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
 Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Ann J. Herrera, as Guardian of the Property of Luchius Brown, Incompetent
 Sheriff of Fulton County**

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
 seeking relief against the following described real estate, to-wit:

*all that tract and parcel of land
 lying and being in Land Lot 55 of the 11th District of Fulton County, Georgia, being Lot
 15 in Block C, as per plat of E. M. Roberts and H. L. Wilson Auction Sale, dated May
 21, 1891, and recorded in Deed Book 13, page 456, Fulton County records, and more
 particularly described as follows:*

*BEGINNING at the southeast corner of Linnae Street (Avenue), (formerly Syl-
 van Avenue), and Haygood Avenue, running thence east along the south side of
 Haygood Avenue fifty (50) feet; thence south one hundred (100) feet to the
 north side of a ten (10) foot alley; thence west along the north side of said
 alley fifty (50) feet to the east side of Linnae Street; thence north along the
 east side of Linnae Street one hundred (100) feet to the point of beginning;
 being improved property known as No. 61 Haygood Street, S.W., according to
 the present numbering of houses in the City of Atlanta, Georgia.*

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,
 dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This
 notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as
 provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such
 real property.

Dated: March 11, 2005

BY: *Debra M. Conner*
 Bureau of Code Compliance, Official Agent
 (404) 330-6190
 BY: *Bill Canty*
 Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS
Notice is hereby given that a complaint was filed by the City of Atlanta against:

William E. Brumby II, as Trustee of the 3251 Jonesboro Road Land Trust
Regions Bank
Vesta Holdings, I, LLC
Fulton County Tax Commissioner

on 3-11-05 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 35 of the 14th District, Fulton County, Georgia, and being more fully described as follows:

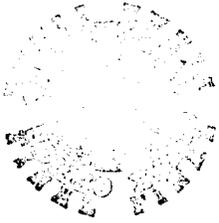
Beginning at an iron pin located on the westerly right of way line of Jonesboro Road a distance of 382.88 feet northerly from the point of intersection of the westerly right of way line of Jonesboro Road with the south land lot line of said Land Lot 35; running thence North 6 degrees 47 minutes 30 seconds East along the westerly right of way line of Jonesboro Road 78.33 feet to an iron pin located on the southerly side of a 15 foot alley; run thence North 88 degrees 25 minutes West 189.5 feet to an iron pin; run thence South 3 degrees 47 minutes West 78.33 feet to an iron pin; run thence South 88 degrees 30 minutes East 185.5 feet to an iron pin located on the westerly right of way line of Jonesboro Road and the Point of Beginning

PROPERTY: . 3251 JONESBORO ROAD, SE,

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: March 11, 2005

BY: *Vetra R. Conner*
Bureau of Code Compliance, Official Agent
(404) 330-6190
BY: *Bill Cartys*
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Robert Futch
Elva Jane Bell
Fulton County Tax Commissioner**

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 137 of the 14th District of Fulton County, Georgia, being Lot 35 in Block A, of the J & J Subdivision according to plat by Gordon Nalley, Engr., dated November, 1947, and recorded in Plat Book 40, Page 35, Fulton County Records.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: **March 11, 2005**

BY: *Larry DeShazer*
Bureau of Code Compliance, Official Agent
(404) 330-6190

BY: *Bill Castrop*
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Sheree Mizelle Parrish as Guardian of Property of Ethel Gertrude Parrish Starr
Fulton County Tax Commissioner
~~In Rem Demolition Fi. Fa.~~
John Starr

on 3-11-05 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

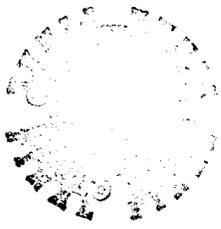
ALL that tract or parcel of land lying and being in Land Lot 115 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the northwest corner of Hunter and Booker Streets; and then running west along the north side of Hunter Street 40 feet; thence north 125.4 feet; thence east 40 feet to Booker Street; and thence south along the west side of Booker Street 126.6 feet to Hunter Street at the point of beginning; being improved property known as 1001 MARTIN LUTHER KING, JR. DRIVE, NW, Atlanta, GA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: March 11, 2005

BY: *Debra M. Conner*
Bureau of Code Compliance, Official Agent
(404) 330-6190
BY: *Bill [Signature]*
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
 Notice is hereby given that a complaint was filed by the City of Atlanta against:

Alberta Strickland Grimes
 William Angelo
 Vesta Holdings I, LLC as Nominee for Heartwood, II, LLC
 Fulton County Tax Commissioner

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
 seeking relief against the following described real estate, to-wit:

All the tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and more particularly described as follows:

BEGINNING on the eastern side of McDaniel Street twenty-five (25) feet south of the southeast corner of McDaniel St. and Berkeley Street; thence south along the east side of McDaniel St. twenty-five (25) feet; thence easterly ninety (90) feet; thence northerly twenty-five (25) feet; thence westerly ninety (90) feet to the point of beginning; being improved property known as No. 804 McDaniel St., S.W., Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: March 11, 2005

BY: Albra M. Conner
 Bureau of Code Compliance, Official Agent
 (404) 330-6190
 BY: Bill Cartney
 Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS
Notice is hereby given that a complaint was filed by the City of Atlanta against:

Herbert Ingram, Dorothy Mae Parker, Omar L. Holmes, Jossie Riggins, Minarlia Walthall and heirs of Joseph N. Ingram, Gladys G. Ingram, Andrea E. Adams, Allison F. Adams and Anthony Joseph Ingram
Fulton County Tax Commissioner

on **3-11-05** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL that tract or parcel of land lying and being in the City of Atlanta in Land Lot 87 of the 14th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at a point on the west side of McDaniel Street 225 feet south of the southwest corner of McDaniel Street and Arthur Street; thence south along the west side of McDaniel Street 25 feet; thence west 100 feet; thence north 25 feet; thence east 100 feet to the point of beginning; being improved property known as NUMBER 1007 MCDANIEL STREET, S.W., according to the present numbering of houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: **March 11, 2005**

BY: *Larry A. Shager*
Bureau of Code Compliance, Official Agent
(404) 330-6190
BY: *Bill Carter*
Assistant Real Estate City Attorney

RCS# 6766
6/20/05
4:52 PM

Atlanta City Council

Regular Session

05-O-0970

DEMOLISH AND CLEAN VARIOUS STRUCTIRES
IN REM REVIEW BOARD HEARING 3/31/2005
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	B Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

05-O-0970

05-0-0970
 (Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT (BUREAU OF CODE COMPLIANCE) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON MARCH 31, 2005

Property Address	Council District
2166 Belvedere Avenue, SE	10
996 DeSoto Street, NW	03
467 Felton Drive, NE	02
500 Formwalt Street, SW	02
61 Haygood Avenue, SE	02
3251 Jonesboro Road, SE	12
1297 Kenilworth Drive, SW	04
1001 Martin L. King Jr. Dr., NW	02
834 McDaniel Street, SW	04
1007 McDaniel Street, SW	04

ADOPTED BY

JUN 20 2005

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 6-6-2005

Referred To: CD/HR

Committee

Date

Chair

First Reading

6/1/05

CD/HR

6/1/05

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Raymond Shep and
Debra M. Stumpf
Chela [unclear]

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

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Date

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