



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/28/2020
ORM Number: CENAP-OP-R-2020-0413-24, North Penn Park View Stoltz Management MO
Associated JDs: CENAP-OP-R-2006-0573-24 North Penn Park View MO
Review Area Location¹: State/Territory: PA City: Lansdale/Hatfield County/Parish/Borough: Montgomery
Center Coordinates of Review Area: Latitude 40.25404 Longitude -75.27843

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|-----------|-----------|---------------|----------------------------------|
| N/A. | N/A. | N/A. | N/A. |

C. Clean Water Act Section 404

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³ | | | | |
|---|-------------|-----------------|------------------------------------|--|
| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination | |
| N/A. | N/A. | N/A. | N/A. | |

| Tributaries ((a)(2) waters): | | | | |
|------------------------------|-------------|-----------------|--|--------------------------|
| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination | |
| UNT to Neshaminy Creek | 0.342 | acre(s) | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | See Section III-C below. |

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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| | | | | |
|---|-------------|------|-----------------|------------------------------------|
| Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters): | | | | |
| (a)(3) Name | (a)(3) Size | | (a)(3) Criteria | Rationale for (a)(3) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| | | | | |
|------------------------------------|-------------|------|-----------------|------------------------------------|
| Adjacent wetlands ((a)(4) waters): | | | | |
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

D. Excluded Waters or Features

| | | | | |
|--|----------------|-------------|--|---------------------------------------|
| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Ditches | 2,500 | linear feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). | See Section III-C below. |
| Stormwater Basin | 0.5 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | See Section III-C below. |

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: "Wetland Report for Stoltz Management," prepared by Nova Consultants, Ltd., dated March 2019.

This information is sufficient for purposes of this AJD.

Rationale: N/A.

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial and Other: Google Earth/Historic Aerials, various years; ground photos June 2020

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- ☒ Corps site visit(s) conducted on: [June 25, 2020](#)
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [CENAP-OP-R-2006-0573-24](#)
- ☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Montgomery County, 1967, Map 23](#)
- ☒ USFWS NWI maps: [U.S. FWS web site](#)
- ☒ USGS topographic maps: ["Telford" quadrangle](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|---|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): [See Paragraph 5 in Section III-C below with regard to findings from the Antecedent Precipitation Tool \(APT\).](#)

C. Additional comments to support AJD: 1. [On 25 June 2020, the subject property was inspected for the purpose of verifying the limits of waters and/or wetlands associated with a requested stand-alone Approved Jurisdictional Determination \(AJD\). The AJD was requested by Nova Consultants on behalf of the applicant, Stoltz Management Company.](#)

[2. The subject property is 118.09 acres in size, located at 1000 North Cannon Avenue, between Walnut Street and Moyers Road, in the Borough of Lansdale and Township of Hatfield, Montgomery County, Pennsylvania. The property consists of multiple tax parcels in both municipalities:](#)

[Hatfield Township: Lot 1\(H\), Parcel ID 35-00-10759-00-6 \(27.00 acres\)
Lot 1\(H\), Parcel ID 35-00-07006-00-6 \(0.63 acre\)](#)

[Lansdale Borough: Lot 1\(L\), Parcel ID 11-00-01368-00-7 \(64.82 acres\)
Lot 2\(L\), Parcel ID 11-00-08472-00-4 \(19.21 acres\)
Lot 3\(L\), Parcel ID 11-00-04624-00-9 \(0.26 acres\)
Lot 4\(L\), Parcel ID 11-00-01368-01-6 \(0.23 acres\)
Lot 6\(L\), Parcel ID 11-00-01368-03-4 \(0.40 acres\)
Ninth Street, to be extinguished \(2.82 acres\)
Other dedicated lands \(2.72 acres\)](#)

[It lies on the northwest side of SEPTA railroad tracks along the Walnut Street side. The property contains a large complex of commercial buildings, parking areas, access roads, maintained lawn and a small wooded area between the large buildings and Moyers Road. The site lies within the watershed of Neshaminy Creek in the Delaware River Basin. The property contains an unnamed tributary to the West Branch of Neshaminy Creek, which exits the property to the west via a culvert under Moyers Road.](#)



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3. This property was the subject of a prior jurisdictional determination (JD) dated 14 February 2007 (CENAP-OP-R-2006-0573-24). That JD noted the tributary cited above, and also noted non-jurisdictional wetlands within a stormwater management basin. It noted a channel to the southeast of the large commercial building, which drains to the northwest via a 1,000-foot long pipe to the tributary. It also noted a long man-made swale or ditch in the northern part of the site, which also flows into the tributary. In addition, the prior JD noted other drainage features conducting stormwater to the basin. Those features all remain at the present time.

4. Review of historic topographic maps, soil survey and aerial photos showed the following:

- a. In an 1888 USGS topographic map, there is a blue-line stream running above (upstream of) Moyers Road, most of the way into the property approaching the railroad on the other side.
- b. The 1953 topographic map is similar, except the indicated stream does not go as far into the property (i.e. upstream). It goes approximately half-way up to the railroad, with none of the large commercial buildings in place.
- c. The 1980 topo map appears similar to today, with the indicated stream extending upstream to just below the large commercial building, which is present as of that time.
- d. An aerial photo from 1942 (Penn Pilot) shows a wooded corridor containing the stream channel extending above Moyers Road, nearly half-way to the railroad (similar to the 1953 topo map). There may be a ditch running from the railroad to a patch of woods near the center of the property, but it is difficult to tell. There is no obvious ditch or channel coming out of the woods or connecting to the stream. Building construction had not commenced yet.
- e. An aerial photo from 1958 (Penn Pilot) shows construction underway in the central portion of the site, with what appears to be a curved ditch connecting to the upper end of the stream/wooded corridor. Construction of a building in the southwestern portion of the property is complete.
- f. A 1960 aerial photo (Historic Aerials) shows the ditch extended farther up through the property, all the way to the railroad.
- g. An aerial photo from 1971 (Penn Pilot) shows the property similar to how it looks today, with much of that long ditch apparently piped.
- h. The 1967 soil survey, which is overlaid onto an aerial photo from that time, shows only the stream channel indicated from Moyers Road up to the limits of construction. There is also a small connecting channel, which presumably represents a constructed stormwater conveyance.

5. Prior to the 25 June 2020 on-site visit, the stream channel that exits the property under Moyers Road was inspected (from Moyers Road) on 12 June 2020. Immediately below Moyers Road, the stream had flowing water approximately 6 feet wide. According to the Antecedent Precipitation Tool (APT) for that date (which was indicated as "dry season"), conditions were considered "normal" for the preceding 90 days, with the immediately preceding 30 days classified as "dry." At the time of the on-site inspection (25 June 2020), the stream channel in question, both immediately below Moyers Road and on the subject property, had flowing water, averaging approximately 6 feet wide in most areas; although the flow was not as great as it was on 12 June 2020. The APT for 25 June 2020, also classified as the "dry" season, showed the preceding 90 days to be drier than normal for that period. In addition, the immediately preceding 30 days, as well as the 30 days prior to that, were both considered "dry."



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6. Conclusions:

- a. Based on observations of the unnamed tributary to Neshaminy Creek, on the site and just downstream (on two separate occasions with flowing water), along with the findings from the APT (i.e. drier than normal conditions in the dry season), this tributary is a perennial stream, and it is regulated as Waters of the U.S. as per 33 CFR 328.3(a)(2).
- b. Based on observations during the site inspection and review of remote imagery, the on-site ditches and stormwater management facilities are excluded as per 33 CFR 328.3(b)(5) and (b)(10), respectively. All of those features are man-made, and there is no conclusive evidence that they previously existed as, or within, waters or wetlands. The channel above the building, which is now piped for about 1,000 feet under the building, would appear to be a remnant of the ditch that appears in the 1960 aerial photo.

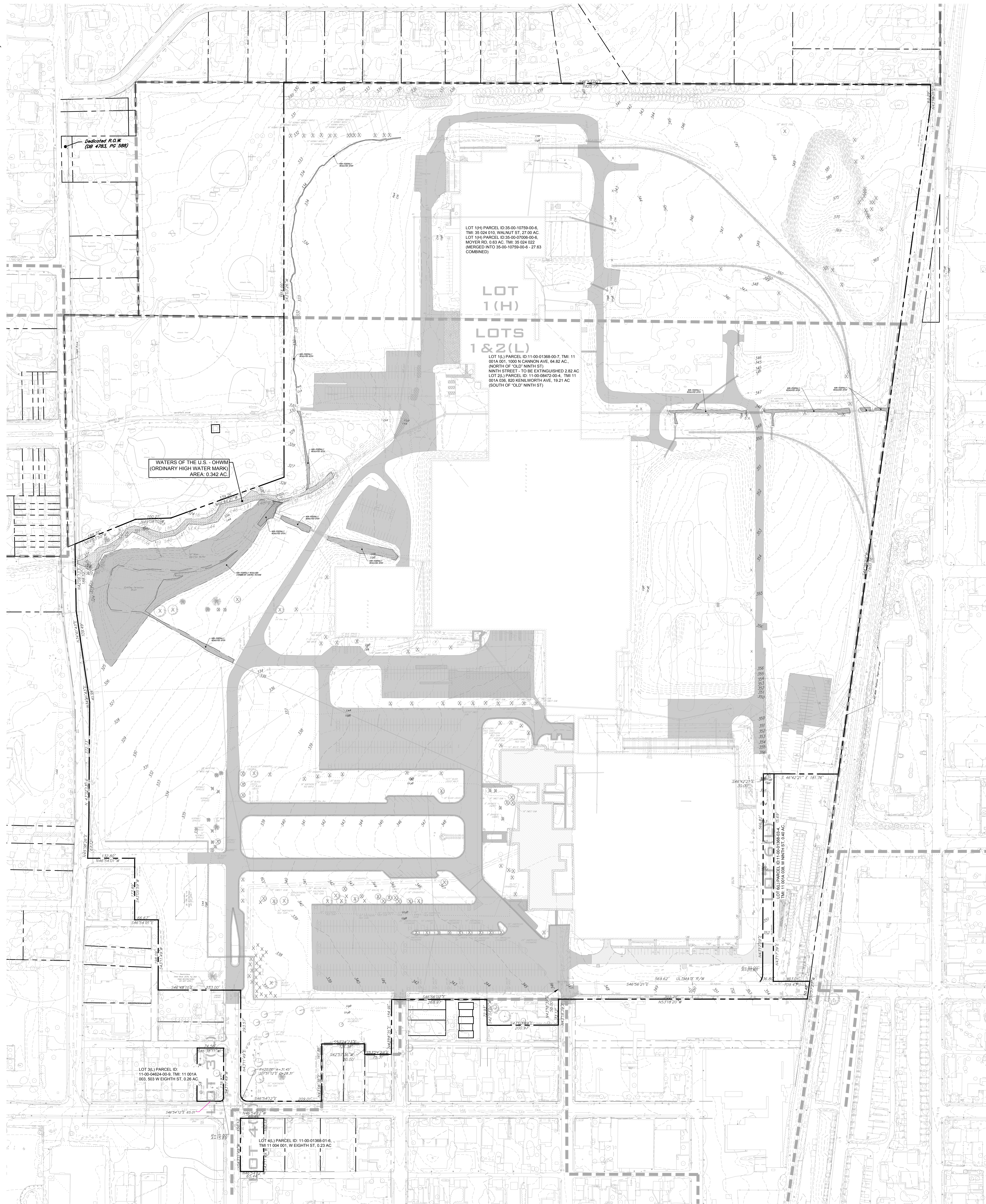
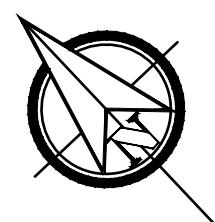
| Waters_Name | Latitude | Longitude | Waters Size | Type Of Aquatic Resource |
|---------------------------------|----------|-----------|-------------|--------------------------|
| 2020-413 Excluded Ditches | 40.25362 | -75.2762 | 2500 FEET | B5DITCH |
| 2020-413 Excluded Stormwater | 40.25531 | -75.2821 | .5 ACRES | B10STORM |
| 2020-413 UNT to Neshaminy Creek | 40.25571 | -75.2814 | .342 ACRES | A2TRIBPER |

Geographic Authority

None

None

Section 404



GENERAL NOTES

- BOUNDARY AND TOPOGRAPHIC DATA TAKEN FROM EXISTING FEATURES PLAN AS PART OF NORTH PENN PARK VIEW PREPARED FOR FREEDOM PROPERTIES, LP BY HOBLEN ENGINEERING COMPANY, LLC IN CONJUNCTION WITH URWILER & WALTER, INC., DATED JANUARY 29, 2005 AND LAST REVISED FEBRUARY 14, 2014. INTERIOR LOT LINES.
- BENCHMARK ELEVATION: 325.52' SANITARY MANHOLE RIM AT INTERSECTION OF MOYER ROAD AND NINTH STREET
- PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAP 42091C0144F, EFFECTIVE DATE MARCH 15, 1998, NUMBER 420999 PANEL 0144, BUFFER F, NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
- A WETLANDS WETLANDS EVALUATION UTILIZING STANDARD PROCEDURES DEVELOPED BY THE U.S. ARMY CORPS OF ENGINEERS 1987 MANUAL HAS BEEN PERFORMED IN THE AREA OF PROPOSED SITE IMPROVEMENTS ON MARCH 14, 2019 BY NOVA CONSULTANTS LTD. NO WETLANDS WERE FOUND TO BE PRESENT AT THE SITE AND WATERS OF THE U.S. ARE DEPICTED HEREON.

TOTAL LANDS: 118.09 ACRES

| | | |
|--|--|------------|
| WATFIELD | LOT 1(H) PARCEL ID 35-00-10759-00-6, T.M: 35 024 010, WALNUT ST. | 27.00 AC. |
| | LOT 1(H) PARCEL ID 35-00-07036-00-6, MOYER RD. | 0.63 AC. |
| | T.M: 35 024 022 (MERGED INTO 35-00-10759-00-6 - 27.63 COMBINED) | |
| LANDDALE | LOT 1(H) PARCEL ID 11-00-01368-00-7, T.M: 11 001A 001, 1000 N CANNON AVE. | 64.82 AC. |
| | NINTH STREET - TO BE EXTINGUISHED | 2.82 AC. |
| | NORTH OF 'OLD' NINTH ST | 19.21 AC. |
| | SOUTH OF 'OLD' NINTH ST | 0.28 AC. |
| | LOT 3(L) PARCEL ID 11-00-04624-00-9, T.M: 11 001A 003, 620 KENILWORTH AVE. | 0.24 AC. |
| | LOT 4(L) PARCEL ID 11-00-01368-01-6, T.M: 11 00A 001, W EIGHTH ST. | 0.40 AC. |
| | LOT 6(L) PARCEL ID 11-00-01368-01-4, T.M: 11 001A 038, W NINTH ST. | |
| DEDICATED LAND | | |
| SEPTA | TOWNSHIP AVE DEDICATION | 1.91 AC. |
| | CANON AVE DEDICATION | 0.09 AC. |
| | MOYER ROAD DEDICATION | 0.31 AC. |
| | TOTAL: | 118.09 AC. |
| LANDS NOT INCLUDED IN LAND DEVELOPMENT | | |
| PARCEL ID 11001070421 T.M 11 001A 038, ISOLATED LANDS WITHIN SCHWEIKER PARK. | | 0.0121 AC. |

THE UTILITY INFORMATION SHOWN IS BASED ON INFORMATION PROVIDED BY THE PA ONE CALL SYSTEM AND THE OWNER. NO GUARANTEES OR WARRANTIES ARE MADE. THE CONTRACTOR SHALL VISIT THE SITE TO BECOME FAMILIAR WITH THE ACTUAL CONDITIONS AND SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE AND LOCATION OF UTILITIES BEFORE COMMENCING WORK. CONTACT PA ONE CALL (1-800-242-1776) A MINIMUM OF THREE BUSINESS DAYS PRIOR TO START OF CONSTRUCTION.



PENNSYLVANIA ONE CALL SYSTEM, INC.
CALL 3 WORKING DAYS BEFORE YOU DIG
1-800-242-1776
POCS SERIAL NUMBER: 20191983725-000 (JULY 17, 2019)

DRAWING SCALE
1" = 100'

PRELIMINARY LAND DEVELOPMENT PLAN
EXISTING FEATURES OVERALL PLAN
NORTH PENN BUSINESS PARK
1000 NORTH CANNON AVENUE
LANDDALE BOROUGH-MONTGOMERY COUNTY-PENNSYLVANIA
HATFIELD TOWNSHIP-MONTGOMERY COUNTY-PENNSYLVANIA

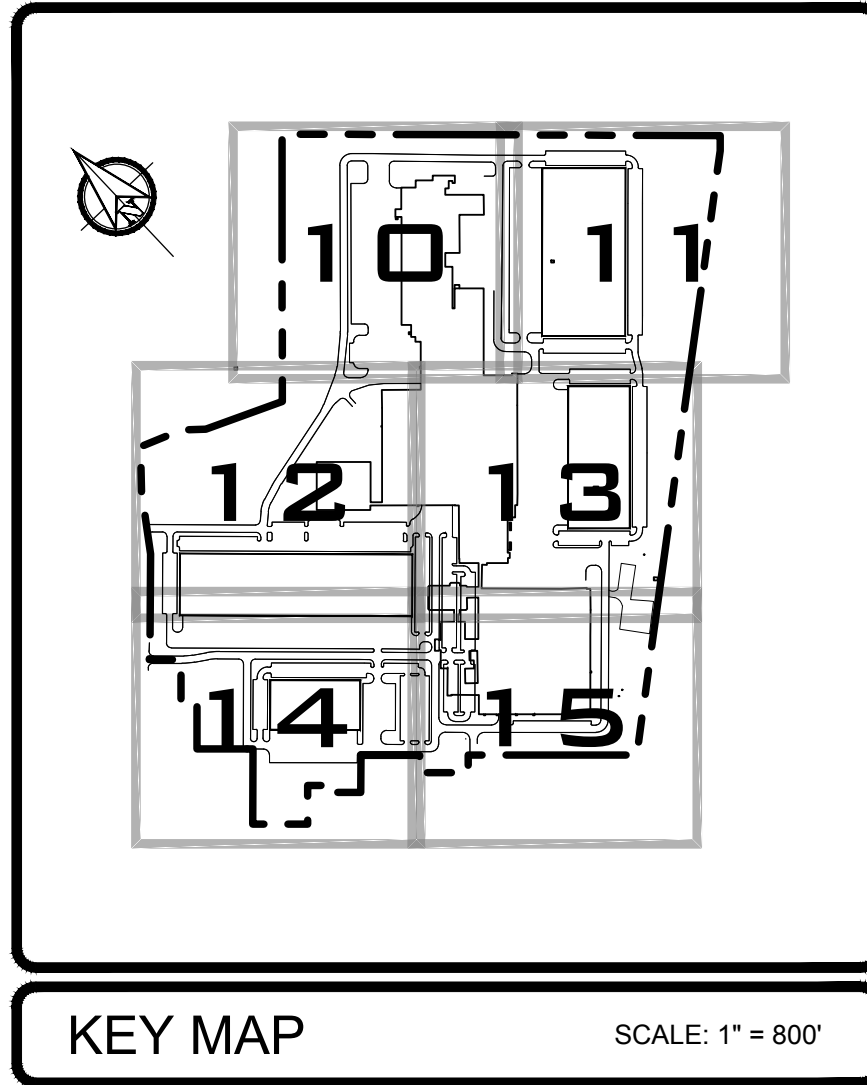
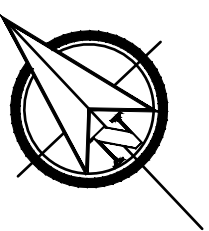
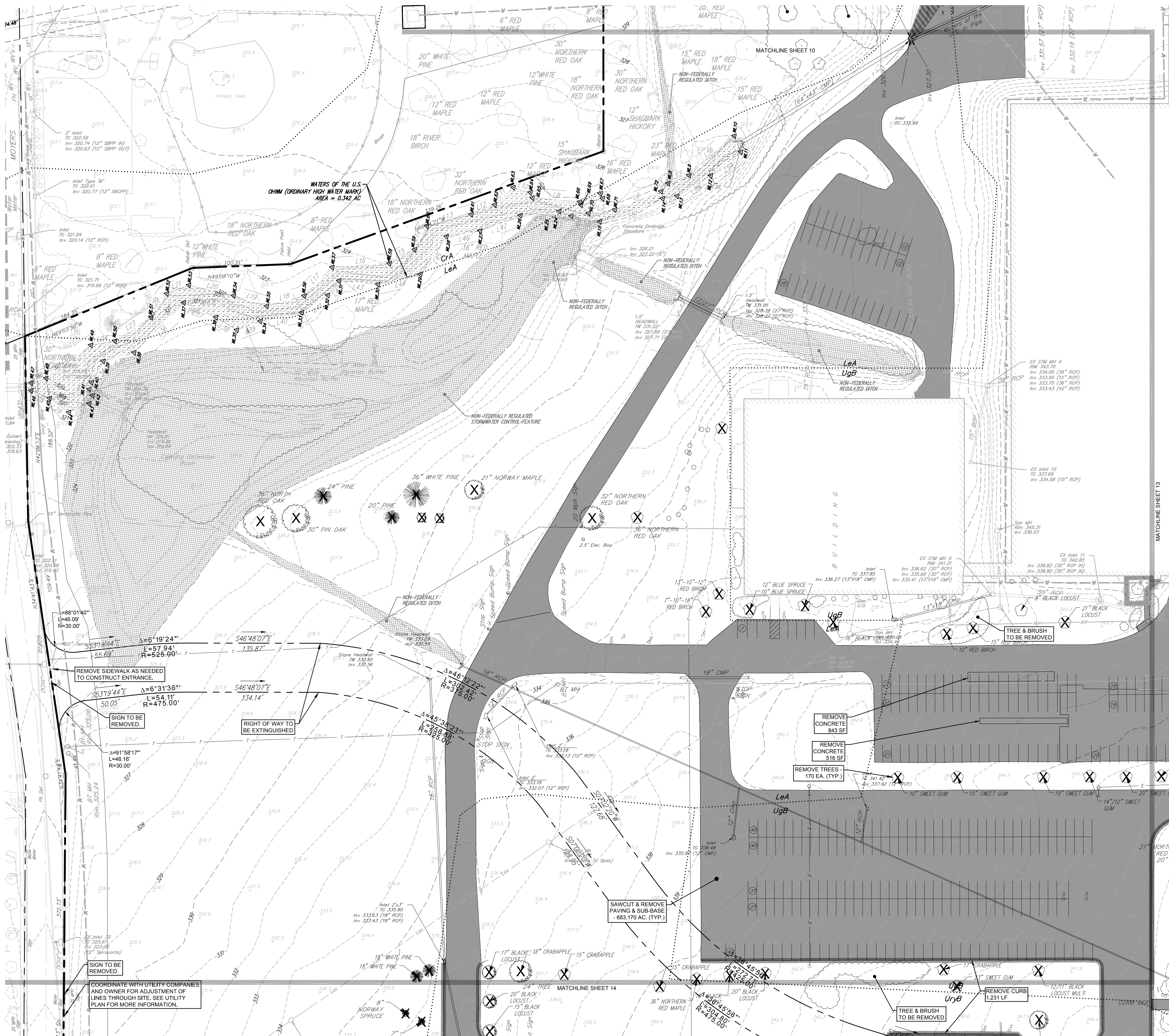
DATE: 8 JULY 2020
SCALE: 1" = 100'
PROJECT NO. 12345.CA
SHEET: 1 OF 1

DUFFIELD ASSOCIATES
5400 LINGSTONE ROAD
TEL: 302.239.6634
FAX: 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFIELD.COM
EMAIL: DUFFIELD@DUFFIELD.COM



| NO. | REVISION | DATE | BY | CHECKED BY |
|-----|------------|------------|----|------------|
| 1 | REVISION 1 | 07/15/2020 | WJ | WJ |
| 2 | REVISION 2 | 07/15/2020 | WJ | WJ |
| 3 | REVISION 3 | 07/15/2020 | WJ | WJ |
| 4 | REVISION 4 | 07/15/2020 | WJ | WJ |
| 5 | REVISION 5 | 07/15/2020 | WJ | WJ |
| 6 | REVISION 6 | 07/15/2020 | WJ | WJ |
| 7 | REVISION 7 | 07/15/2020 | WJ | WJ |

OWNER:
NORTH PENN HOUSING, LLC
722 CONROCKEN STATE ROAD
HATFIELD, PA 19041
84-161484



| LINE TABLE | | |
|------------|----------|-------------|
| LINE # | DISTANCE | BEARING |
| L1 | 10.88 | N84°47'52"E |
| L2 | 50.78 | S68°28'49"E |
| L3 | 27.13 | S54°33'56"E |
| L4 | 11.33 | S01°09'47"W |
| L5 | 22.97 | N63°25'16"W |
| L6 | 5.45 | S19°52'23"W |
| L7 | 22.97 | S68°17'52"E |
| L8 | 48.26 | S42°02'01"E |
| L9 | 5.82 | S21°11'08"W |
| L10 | 18.05 | S30°30'11"E |
| L11 | 25.85 | S89°54'01"E |
| L12 | 25.84 | S69°22'23"E |
| L13 | 46.85 | S61°24'48"E |
| L14 | 27.13 | N70°24'48"E |
| L15 | 29.31 | S75°30'44"E |
| L16 | 58.47 | S50°43'00"E |
| L17 | 40.69 | N87°26'39"E |
| L18 | 39.75 | S62°14'40"E |
| L19 | 35.21 | S29°21'32"E |
| L20 | 47.06 | S33°42'31"E |
| L21 | 24.15 | S68°01'01"E |
| L22 | 28.85 | N76°19'11"E |
| L23 | 44.12 | S79°51'31"E |
| L24 | 24.95 | S56°56'17"E |
| L25 | 56.71 | S83°21'05"E |
| L26 | 16.00 | S64°30'10"E |
| L27 | 7.83 | N43°00'57"E |
| L28 | 20.34 | N24°33'55"W |
| L29 | 24.31 | N10°39'02"W |
| L30 | 22.62 | N70°12'55"W |

| LINE TABLE | | |
|------------|----------|-------------|
| LINE # | DISTANCE | BEARING |
| L31 | 8.87 | S65°05'54"W |
| L32 | 7.19 | S15°35'52"W |
| L33 | 7.37 | S61°05'34"W |
| L34 | 24.79 | S72°01'34"W |
| L35 | 32.68 | N62°21'04"W |
| L36 | 71.76 | S88°01'24"W |
| L37 | 35.96 | N22°27'24"W |
| L38 | 24.89 | N16°30'20"W |
| L39 | 25.65 | N67°25'38"W |
| L40 | 43.24 | N58°40'18"W |
| L41 | 31.73 | N80°47'12"W |
| L42 | 18.81 | S81°33'04"W |
| L43 | 39.74 | N41°33'42"W |
| L44 | 44.45 | N60°03'45"W |
| L45 | 47.09 | S77°34'39"W |
| L46 | 34.75 | N56°09'22"W |
| L47 | 43.95 | N67°57'20"W |
| L48 | 39.95 | N53°14'17"W |
| L49 | 13.11 | N24°07'46"W |
| L50 | 29.80 | N36°03'02"W |
| L51 | 68.20 | N67°07'01"W |
| L52 | 15.02 | N56°13'30"W |
| L53 | 40.06 | N78°14'00"W |
| L54 | 39.10 | N84°58'31"W |
| L55 | 17.64 | S20°31'58"W |
| L56 | 61.07 | S87°58'35"E |
| L57 | 22.81 | S67°53'36"E |

AREA OF "WATERS OF THE US" = 0.342 AC.

NOTE:
FOR A LEGEND SEE SHEET 3

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PENNSYLVANIA ONE CALL SYSTEM, INC.
CALL 3 WORKING DAYS BEFORE YOU DIG
1-800-242-1776
POCS SERIAL NUMBER: 20191983725-000 (JULY 17, 2019)



PRELIMINARY LAND DEVELOPMENT PLAN
EXISTING FEATURES PLAN
NORTH PENN BUSINESS PARK
1000 NORTH CANNON AVENUE
LANSDALE BOROUGH-MONTGOMERY COUNTY-PENNSYLVANIA
HATFIELD TOWNSHIP-MONTGOMERY COUNTY-PENNSYLVANIA

DATE: 4 OCTOBER 2019
SCALE: 1" = 50'
PROJECT NO. 12345.CA
SHEET: 12 (OF 108)

DESIGNED BY: MIK

DRAWN BY: WIJ

CHECKED BY: MIK

FILE NAME: 12345.CA

OWNER: NORTH PENN BLDG, LLC
725 CONROCK STATE ROAD
BALA CYNWYD, PA 19004
484-464-444

REVISION

| No. | REVISION |
|-----|--|
| 1 | PER BOROUGH AND TOWNSHIP |
| 2 | HATFIELD TOWNSHIP SUBMISSION |
| 3 | LANSDALE BOROUGH SUBMISSION |
| 4 | PER AGENCIES COMMENTS |
| 5 | SIDEWALKS & INTERSECTIONS |
| 6 | RIGHT OF WAY ADJUSTMENT & INTERNAL SIDEWALKS |
| 7 | PER ARMY CORPS OF ENG. |

DUFFIELD ASSOCIATES

Sol. War & the Environment

5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX: 302.239.8485

OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

STATE: PENNSYLVANIA P.E. #05741-E

Professional Engineer

Michael J. Kaszyski, Jr., P.E.