Department of Planning and Development City of Newton, Massachusetts

INVITATION FOR BIDS

Sale of Municipal Property Stearns Road Rear Parcel, Newton, Massachusetts RFP # 23-05

Bid Opening Date: September 15, 2022 at 10:00 a.m.

August 2022 Ruthanne Fuller, Mayor

CITY OF NEWTON

PURCHASING DEPARTMENT

INVITATION FOR BIDS 23-05

This City of Newton Invitation For Bids (IFB) invites sealed proposals in accordance with M.G.L. c.30B, §16 for

SALE OF MUNICIPAL PROPERTY:

Stearns Road Rear Parcel, Newton Centre, Massachusetts (Landlocked parcel between Clark, Stearns Road and Parker Street)

Bids will be received until: 10:00 a.m., Thursday, September 15, 2022

at the Purchasing Department, Room 108, Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459. Bids will not be accepted nor may submitted bids be corrected, modified or withdrawn after the deadline for submission. Following the deadline for bids, all bids received within the time specified will be publicly opened and read aloud.

The minimum bid for purchase of the above Parcel is its fair market value (FMV).

Documents associated with this IFB (Contract Documents) will be available online at the City's website: www.newtonma.gov/bids after: 10:00 a.m., August 31, 2022.

Bidders are responsible for downloading the IFB from the City's web site at www.newtonma.gov/bids. Proposers must email the Purchasing Department (purchasing@newtonma.gov) their Name, Address, Email address, Phone & Facsimile number and what bid # (i.e. #23-05) they have downloaded.

All City of Newton bids are available on the City's web site, www.newtonma.gov/bids. It is the sole responsibility of Developers downloading these bids to ensure they have received any and all addenda prior to the bid opening. Addenda will be available online within the original bid document as well as a separate file. If you download bids from the internet site and would like to make it known that you have done so, you must email the Purchasing Department (purchasing@newtonma.gov) the Company Name, Address, Email address, Phone & Facsimile number and what bid # (i.e. #23-05) has been downloaded.

The City will reject any and all proposals in accordance with the above referenced General Laws. In addition, the City reserves the right to waive minor informalities in any or all proposals, or to reject any or all proposals (in whole or in part) if it be in the public interest to do so.

In the event that any person wishes to attend a bid opening or pre-bid meeting, accessible and reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For Telecommunications Relay Service, please dial 711.

CITY OF NEWTON

Nicholas Read Chief Procurement Officer

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August 31, 2022

CITY OF NEWTON DEPARTMENT OF PURCHASING INSTRUCTIONS TO BIDDERS

ARTICLE 1 - PROPERTY DESCRIPTION

The City of Newton owns a 8,800 square foot landlocked parcel of land located between Clark, Stearns Road and Parker Street, Newton, Massachusetts, also known as Section 62, Block 23, Lot 15A, in Ward 6, in a Single Residence district (the "Property").

ARTICLE 2 - BIDDER'S REPRESENTATION

- 2.1 Each General Bidder (hereinafter called the "Bidder") by making a bid (hereinafter called "bid") represents that:
 - 1. The Bidder has read and understands the Bidding Documents, Contract Forms, General Conditions, Conditions of the Contract, General Requirements and Project Specifications (collectively, referred to as the "Contract Documents") and the bid is made in accordance therewith.
 - 2. The Bidder has been offered the opportunity to inspect the Property.
- 2.2 Failure to so examine the Contract Documents or inspect the Property will not relieve any Bidder from any obligation under the bid as submitted.

ARTICLE 3 - REQUEST FOR INTERPRETATION

- 3.1 Bidders shall promptly notify the City of any ambiguity, inconsistency, or error which they may discover upon examination of the Contract Documents, the site, and local conditions.
- 3.2 Bidders requiring clarification or interpretation of the Contract Documents shall make a written request to the *Chief Procurement Officer*, at purchasing@newtonma.gov or via facsimile (617) 796-1227. The City will only answer such requests if received by Friday, **September 9, 2022** at 12:00 noon.
- 3.3 Interpretation, correction, or change in the Contract Documents will be made by addendum which will become part of the Contract Documents. The City will not be held accountable for any oral communication.
- 3.4 Addenda will be emailed to every individual or firm on record as having taken a set of Contract Documents.
- 3.5 Copies of addenda will be made available for inspection at the location listed in the Invitation for Bids (IFB) where Contract Documents are on file, in addition to being available online at www.newtonma.gov/bids.
- 3.6 Bidders or proposers contacting ANY CITY EMPLOYEE regarding the IFB, outside of the Purchasing Department, once an IFB has been released, may be disqualified from the procurement process.
- 3.7 Bidders downloading information off the internet web site are solely responsible for obtaining any addenda prior to the bid opening. If the bidder makes itself known to the Purchasing Department, at purchasing@newtonma.gov or via facsimile (617) 796-1227, it shall be placed on the bidder's list. Bidders must provide the Purchasing Department with their company's name, street address, city, state, zip, phone, fax, email address and INVITATION FOR BID #23-05.

ARTICLE 4 - PREPARATION AND SUBMISSION OF BIDS

- 4.1 Bids shall be submitted on the "Bid Form 23-05," attached.
- 4.2 All entries on the Bid Form shall be made by typewriter or in ink.
- 4.3 Where so indicated on the Bid Form, sums shall be expressed in both words and figures. Where there is a discrepancy between the bid sum expressed in words and the bid sum expressed in figures, the words shall control.

- 4.4 The Bid, including the bid deposit shall be enclosed in a sealed envelope with the following plainly marked on the outside:
 - * GENERAL BID FOR: #23-05
 - * IFB NAME: Disposition of Stearns Road Rear Parcel
 - * BIDDER'S NAME, BUSINESS ADDRESS, AND PHONE NUMBER
- 4.5 Date and time for receipt of bids is set forth in the Invitation for Bids.
- 4.6 Timely delivery of a bid at the location designated shall be the full responsibility of the Bidder. In the event that Newton City Hall is closed on the date or at the time that bids are due, the date and time for receipt of bids shall be on the next business day following that the Newton City Hall and the Purchasing Department are open.
- 4.7 Bids shall be submitted with one **original** and one **copy.**

ARTICLE 5 – RESTRICTIONS & LIMITATIONS

- 5.1 The Property is subject to the following limitations on use:
 - a. The property will be conveyed subject to a permanent conservation restriction that restricts the use for the property as passive open space and prohibits the erection of any structures for active recreation, including, but not limited to, swimming pools and tennis courts; and
 - b. The conservation restriction will prohibit the property or any portion thereof to be added to or combined with an adjoining parcel to increase the lot area and/or dimensions of said adjoining parcel for zoning purposes.
- 5.2 Title to the Property will be delivered by quitclaim deed. The Property is offered for sale as listed on an "as is", "where located" basis without warranty, guarantee liability of any kind on the part of the City of Newton.
- 5.3 City employees must comply with the provisions of M.G.L. 268A when bidding the Property. They must also file a disclosure with the City Clerk's Office.

ARTICLE 6 - WITHDRAWAL OF BIDS

- Any bid may be withdrawn prior to the time designated for receipt of bids on written or electronic request. Electronic withdrawal of bids must be confirmed over the Bidder's signature by written notice postmarked on or before the date and time set for receipt of bids.
- 6.2 Withdrawn bids may be resubmitted up to the time designated for the receipt of bids.
- 6.3 No bids may be withdrawn within sixty (60) days, Saturdays, Sundays and legal holidays excluded, after the opening of the bids.

ARTICLE 7 - CONTRACT AWARD

- 7.1 The City will make one (1) award to the responsible and responsive Bidder submitting the highest Proposed Contract Price equal to or exceeding the Parcel's FMV on attached General Bid Form #23-05. The selected bidder and the City will execute a purchase and sale agreement within thirty (30) days, Saturdays, Sundays, and legal holidays excluded, after the opening of bids.
- 7.2 The City reserves the right to waive minor informalities in or to reject any or all Bids if it be in the public interest to do so.
- 7.3 The City reserves the right to reject any bidder who has failed to pay any local taxes, fees, assessments, betterments, or any other municipal charge, unless the bidder has a pending abatement application or has entered into a payment agreement with the collector-treasurer.

- As used herein, the term "lowest responsible and responsive Bidder" shall mean the Bidder (1) whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary for the faithful performance of the work; (2) who has met all the requirements of the invitation for bids; (3) who shall certify that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (4) who, where the provisions of section eight B of chapter twenty-nine apply, shall have been determined to be qualified thereunder.
- 7.5 Subsequent to the award and within five (5) days, Saturday, Sundays and legal holidays excluded, after the prescribed forms are presented for signature, the successful Bidder shall execute and deliver to the City a contract in the form included in the Contract Documents in such number of counterparts as the City may require.
- 7.6 In the event that the City receives low bids in identical amount from two or more responsive and responsible Bidders, the City shall select the successful Bidder by a blind selection process chosen by the City such as flipping a coin or drawing names from a hat. The low Bidders who are under consideration will be invited to attend and observe the selection process.

Attachment A: City of Newton Council Order #236-21 (11/1/21)

Attachment B: Site Plan

END OF SECTION

CITY OF NEWTON

SALE OF MUNICIPAL PROPERTY: Stearns Road Rear Parcel, Newton Centre, Massachusetts

GENERAL BID FORM #23-05

TO THE AWARDING AUTHORITY:

	cludes addenda number(s),,	
The Propos	sed Contract Price: :	
OOLLARS	S (\$)
Γhe unders	signed has completed and submits herewith	the following documents:
o	Signed Bid Form, 2 pages	
О	, 1 6	
O	Certification of Tax Compliance, 1 page	
O	IRS Form W-9, 1 page	
	IRS Form W-9, 1 page	
		(Name of General Bidder)
		BY:
		BY:
		BY:(Signature)

NOTE: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of all partners; and if an individual, give residential address if different from business address.

CERTIFICATE OF NON-COLLUSION

good faith and submitted in good faith	ies of perjury that this bid or proposal has be and without collusion or fraud with any othe nean any natural person, business, partnership entity, or group or individuals.	r person. As used in this
_	(Signature of individual)	
Name of Business		

CERTIFICATION OF TAX COMPLIANCE**

Pursuant to M.G.L. c.62C, §49A and requirements of the City, the undersigned acting on behalf of the Contractor certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.*

Signature of Individual (Mandatory) **	** Contractor's Social Security Number or Federal Identification Number	
Print Name:	Date:	
Corporate Name		
By:	Date:	
Print Officer Name:		
* The provision in this Certification re	elating to child support applies only when the Cor	ntractor is

- individual.
- ** Approval of a contract or other agreement will not be granted until the City receives a signed copy of this Certification.
- *** Your social security number may be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended.

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

	ACCOUNT OF THE PROPERTY OF THE					
2.	Name (as shown on your income tax return)					
on page	Business name, if different from above					
Instructions	Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ► Cher (see instructions) ►					
c Instr	Address (number, street, and apt. or suite no.)	Requester's nar	ster's name and address (optional)			
Specific	City, state, and ZIP code					
See S	List account number(s) here (optional)					
art	Taxpayer Identification Number (TIN)					
acku	your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to be withholding. For individuals, this is your social security number (SSN). However, for a research of the contribution of the contributi	ident	ial security number			
ien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is our employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.			or			
	If the account is in more than one name, see the chart on page 4 for guidelines on whose or to enter.	Em	ployer identification number			
Part	II Certification					

Under penalties of perjury, I certify that:

- 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- 3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4

Sign Signature of Name Here U.S. person Date >

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- 1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- 2. Certify that you are not subject to backup withholding, or
- 3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- · An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- · An estate (other than a foreign estate), or
- · A domestic trust (as defined in Regulations section

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax.

Therefore, if you are a U.S. person that is a partner in a
partnership conducting a trade or business in the United States,
provide Form W-9 to the partnership to establish your U.S.
status and avoid withholding on your share of partnership

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the

• The U.S. owner of a disregarded entity and not the entity,

Form W-9 (Rev. 10-2007) Cat. No. 10231X

CITY OF NEWTON

IN CITY COUNCIL

November 1, 2021

That, pursuant to Section 2-7 of the Revised Ordinances of 2012, as amended, after a public hearing and upon recommendation of the Real Property Reuse Committee through its Chair Victoria Danberg, it is hereby

ORDERED:

That Her Honor the Mayor be and is hereby authorized to sell the land located on Stearns Street containing approximately 8,800 square feet of land, identified as Section 62, Block 23, Lot 15A, in Ward 6, in a Single Residence district, and,

The property shall be sold subject to the minimum financial terms and conditions as voted by the Honorable City Council as set forth as follows:

TERMS OF SALE

- 1. That the minimum sale price shall be set at fair market value; and
- 2. That the property be sold for the purposes of maintaining the land as open space.

FURTHER BE IT RESOLVED:

- 1. That a permanent conservation restriction held by the City shall be placed on the property.
- 2. That the conservation restriction prohibit the property or any portion thereof to be added to or combined with an adjoining parcel to increase the lot area and/or dimensions of said adjoining parcel for zoning purposes.
- 3. That the conservation restriction only permit the property to be used as passive open space and prohibit the erection of any structures for active recreation including, but not limited to, swimming pools and tennis courts.
- 4. That the conservation restriction permit subdivision of the property, provided that all such divided portions of the property are subject to and bound by the conservation restriction.

Approved as to legal form and character:

Alissa O. Giuliani Alissa O. Giuliani

City Solicitor

Under Suspension of Rules Readings Waived and Approved 24 yeas 1 Nay (Councilor Humphrey)

(SGD) CAROL MOORE

City Clerk

Kutham Fuller

(SGD) RUTHANNE FULLER

Mayor

Date: 2/16/2022



City of Newton, Massachusetts

Department of Planning and Development 1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone (617) 796-1120 Telefax (617) 796-1142 TDD/TTY (617) 796-1089 www.newtonma.gov

Barney S. Heath Director

MEMORANDUM

To: Councilor Danberg, Chair of the Reuse Committee

Members of Reuse Committee

Barney Heath, Director of Planning & Development From:

Neil Cronin, Chief Planner for Current Planning

Date: August 31, 2021

Subject: Report concerning potential reuse of Parcel ID 62023 0015A on Stearns Street

CC: Andrew Lee, Assistant City Solicitor

Jonah Temple, Assistant City Solicitor

The City-owned subject parcel is located within the Single Residence 3 zone (the "SR-3 zone") in Newton Centre, Ward 6. The parcel has no frontage, is abutted by six single-family zoned and used parcels, and contains 8,800 square feet.

On June 24, 2021 the Reuse Committee (the "Committee") held a discussion and voted unanimously to: (i) make the parcel available for sale or lease; and (ii) to waive the Joint Advisory Planning Group. The Committee then asked the Planning Department to prepare a report exploring placing a conservation restriction on the parcel and exploring whether the parcel could remain a separate lot for zoning purposes (not a combined lot).

The Planning Department understands the Committee's intent to sell the parcel with a conservation restriction, prohibiting the construction of any building. As a result, the parcel's value is tied to the additional lot area an abutter would gain, which would increase the opportunity for as of right construction. Importantly, for an abutter to utilize the lot area, the parcel would need to be combined with the abutter's lot. This consideration may influence the Committee's deliberation on whether the parcel could remain a separate lot. Additionally, the Law Department is investigating how long such a restriction could be enforced. The below chart provides the additional floor area ratio each abutter would gain should they acquire the parcel. The additional lot area would also increase other dimensional standards, e.g., setbacks, lot coverage, and open space.

Table I: Lot and Floor Area Comparison (Square Feet)

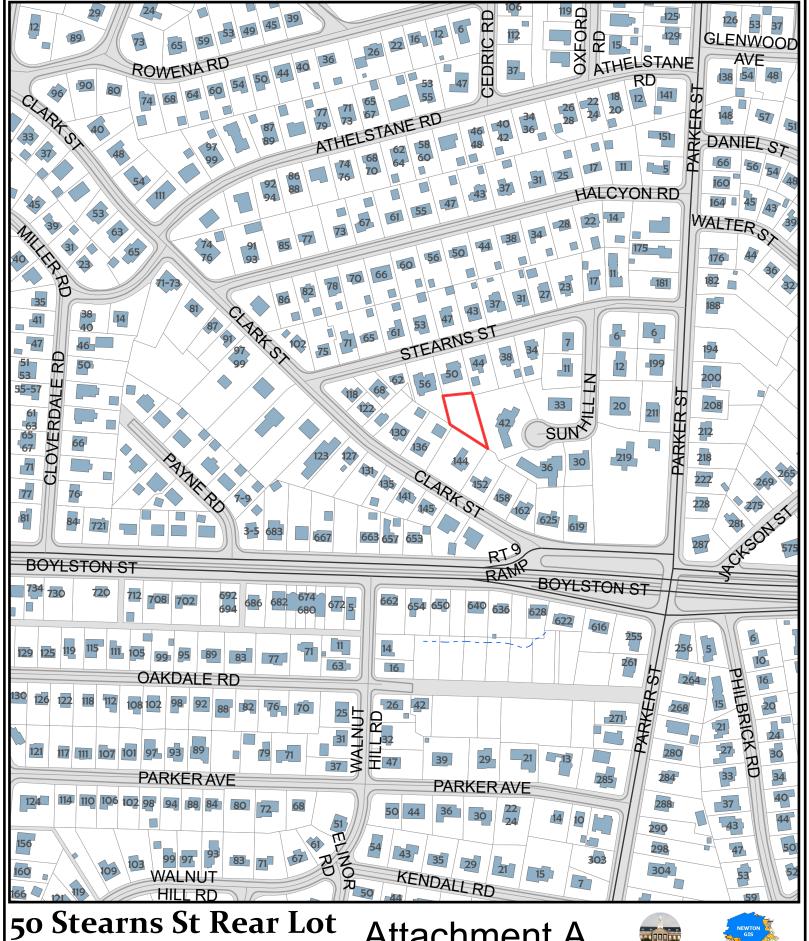
Address	Existing	Existing	Proposed Lot	Proposed Allowable	Increase in
	Lot Area	Allowable Floor	Area	Floor Area	Floor Area
		Area			
50 Stearns Street	8,475	3,814	17,275	6,565	2,751
44 Stearns Street	8,750	3,850	17,550	6,669	2,819
56 Stearns Street	10,819	4,436	19,619	7,455	3,019
136 Clark Street	9,870	4,047	18,670	7,095	3,048
42 Sunhill Lane	22,170	8,203	30,970	11,149	2,946
144 Clark Street	13,815	5,388	22,615	8,368	2,980

Given the Committee's intent, the Planning Department suggests the parcel be sold at fair market value, with a conservation restriction, to one of the abutters.

ATTACHMENTS:

ATTACHMENT A: Map ATTACHMENT B: Aerial

ATTACHMENT C: Property Card



City of Newton, Massachusetts

Attachment A



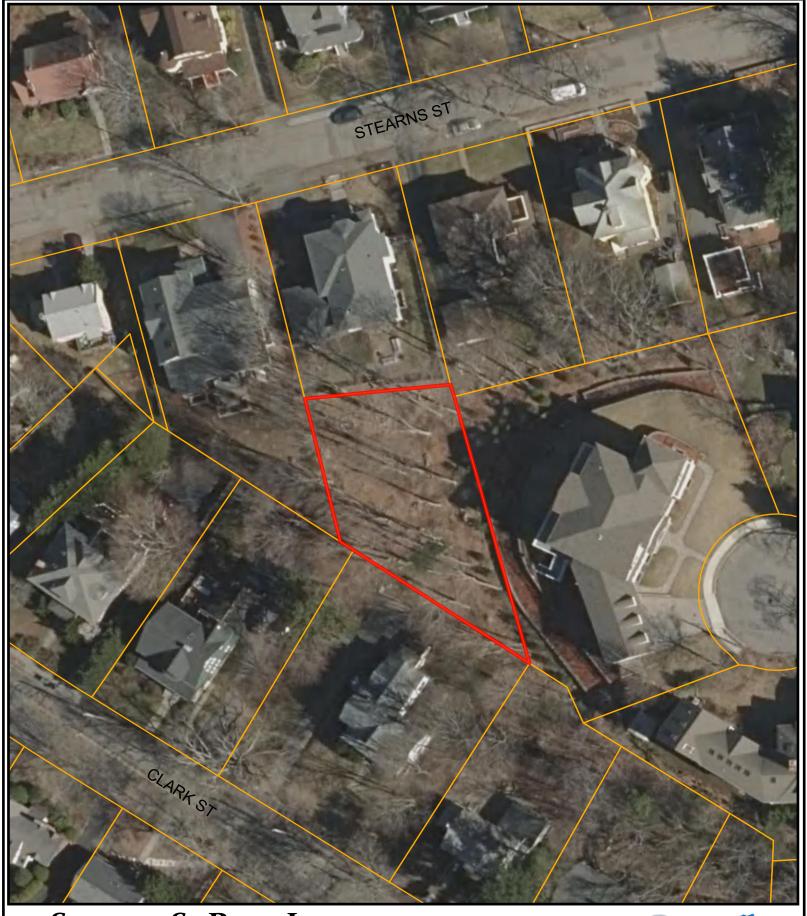




The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data

CITY OF NEWTON, MASSACHUSETTS Mayor - Ruthanne Fuller

Map Date: March 08, 2021



50 Stearns St Rear Lot

City of Newton, Massachusetts

CITY OF NEWTON, MASSACHUSETTS Mayor - Ruthanne Fuller

Attachment B





The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

Map Date: March 08, 2021

Attachment $C_{\text{State Use 930V}}$ Property Location STEARNS ST REAR Map ID 62/023/0015/ A/ **Bldg Name** Print Date 3/8/2021 8:04:19 AM Sec # 1 of 1 Vision ID 17537 Account # 62023 0015A Bldg # 1 LOCATION CURRENT ASSESSMENT **CURRENT OWNER** TOPO UTILITIES STRT / ROAD Description Code Assessed Assessed CITY OF NEWTON 233 CITY LAND 930V 196.500 196.500 SUPPLEMENTAL DATA NEWTON, MA 1000 COMM AVE Alt Prol ID 62023 0015A Res RC Multi SBL Prop Type EX Num Apts NOTE: **NEWTON** MA 02459 Bill Numbe 2118209 NOTE: **VISION** NOTE: Traffic LIGHT Map ID 119SE GIS ID F 738294 2941855 Assoc Pid# 196.500 196.500 Total RECORD OF OWNERSHIP BK-VOL/PAGE SALE DATE SALE PRICE VC PREVIOUS ASSESSMENTS (HISTORY) Q/U V/I Year Code Assessed Year Code | Assessed V | Year Code Assessed CITY OF NEWTON 9868 81 Q 00 01-01-1900 930V 2020 930V 930V 2021 2019 196500 196500 196500 Total Total Total **EXEMPTIONS** OTHER ASSESSMENTS This signature acknowledges a visit by a Data Collector or Assessor Code Description Amount Code Description Number Amount Comm Int Year APPRAISED VALUE SUMMARY 0.00 Total ASSESSING NEIGHBORHOOD Nbhd Nbhd Name В Batch Tracing 4 NOTES Total Appraised Parcel Value 196.500 **VISIT / CHANGE HISTORY BUILDING PERMIT RECORD** Permit Id Issue Date Type Description Amount Insp Date | % Comp | Date Comp Comments Date Type Is Cd Purpost/Result 07-01-2011 532 03 6 43 Change Reinspection LAND LINE VALUATION SECTION B Use Code Frontage Land Units ST Idx. Land Value Description Zone Notes 930V CITY VACANT LAN SR3 8.800 SF 196.500 4 Total Card Land Units Parcel Total Land Area 0.2020 196.500 8,800 SF Total Land Value

Bldg Name Property Location STEARNS ST REAR Map ID 62/023/0015/ A/ State Use 930V 17537 Sec # 1 of 1 Print Date 3/8/2021 8:04:19 AM Vision ID Account # 62023 0015A Bldg # 1 Card # 1 of 1 **CONSTRUCTION DETAIL CONSTRUCTION DETAIL (CONTINUED)** Element Element Cd Description Cd Description Style: 99 Model 00 Vacant Grade: Stories: MIXED USE Occupancy Exterior Wall 1 Code Description Percentage Exterior Wall 2 CITY VACANT LAND 100 930V Roof Structure: 0 Roof Cover 0 Interior Wall 1 COST / MARKET VALUATION Interior Wall 2 Interior Flr 1 Interior Flr 2 Heat Fuel No Sketch Heat Type: Year Built AC Type: Total Bedrooms Total Bthrms: Total Half Baths Total Xtra Fixtrs Total Rooms: Bath Style: Kitchen Style: Built Ins Ext Condition Int Condition Foundation Outdoor Park Indoor Park Masonry Trim Insulation OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) Code Description Sub Sub Descrip. L/B Units Year **BUILDING SUB-AREA SUMMARY SECTION** Code Description Living Area | Floor Area | Eff Area Ttl Gross Liv / Lease Area 0 0 0