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RESOLUTION NO. 14 by Gale Murphy, seconded by Joseph Ricciardi

WHEREAS, the preamble of the Subdivision Control Act 288 of the Public Acts of the State of Michigan, 1967, as amended, states that it is an Act to further the orderly layout and use of land and require that the land be suitable for building sites and public improvements, etc.; and

WHEREAS, Section 102 (d) defines "subdivision" as the fifth division of land 10 acres or less in area within any successive 10 year period; and

WHEREAS, House Bill 4151 proposes to amend Section 102 (d), the definition of "subdivision", as the fourth division if land 2 acres or less in area; and

WHEREAS passage of House Bill 4151 would contribute to the premature development of rural portions of Antrim County; and

WHEREAS, this premature rural development would create disorderly layout and uses of land, place exorbitant demands on municipal services and facilities increase the rate of consumption of agricultural land, and alter the rural characteristics of the County;

NOW THEREFORE BE IT RESOLVED, that Antrim County Board of Commissioners hereby strongly opposes the passage of House Bill 4151 to amend the Subdivision Control Act 288 of the Public Acts of the State of Michigan, 1967.

Resolution carried unanimously.

ORDINANCE NO. 77-1

Internal and External Drainage for Subdivisions

I. PURPOSE

1. Act 288 of the Public Acts of 1967 is known as the Subdivision Control Act of 1967. All plats to be recorded with the Register of Deeds must be in conformity with this Act. The following rules are issued to guide land developers interested in subdividing land and to provide for a uniform method of preparing plats submitted to the office of the Drain Commissioner for processing in accordance with said Act.
2. The Drain Commissioner of Antrim County, through legislative enactment, has acquired jurisdiction over established county drains and may, under the terms of this Act, acquire jurisdiction of drainage systems within the subdivided lands and drains external to the proposed subdivision after February 1, 1974. In accordance with the provisions of the Act the Drain Commissioner has the right to require that county drains and natural water-courses both within the without the plat, be improved to the standards established by the Drain Commissioner.  
The Act also makes it possible for the Proprietor to record a plat before the required improvements are made, provided a satisfactory cash deposit, certifiee check, irrevocable Bank letter of credit issued by a bank authorized to do business in the State of Michigan or satisfactory bond is deposited with the Drain Commissioner to insure performance.

II. DEFINITIONS

1. Commissioners: The Drain Commissioner of the County of Antrim, State of Michigan
2. Engineer; An Engineer that may be employed by the Drain Board
3. Proprietor: Any person, firm, association, partnership, corporation, or combination of any of them, who submits a plat for processing under the Plat Act.
3. Subdivision Control Act: Act 288 of the Michigan Public Acts of 1967.

III. PRELIMINARY PLAT REQUIREMENTS

1. Submission of Tentative Layout:
  - a. In order that subdivision plats may be prepared in conformity with the Subdivision Control Act of 1967, the Proprietor shall have prepared a preliminary or tentative plan showing the layout of the area intended to be platted. This plan shall be prepared under the direction of a registered professional engineer or a registered land surveyor, and shall be

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drawn to scale not smaller than 1"=200'. Each copy of the preliminary plat shall be accompanied by a copy of the site report furnished to the Department of Health under their rules.

- b. The tentative plan shall give the location of the proposed subdivision with reference to the section and part of section in which the parcel is situated and the name of the township, city, or village. The plan shall show the proposed street and alley layout, lot and plat dimensions, all pertinent factors such as adjoining roads and subdivision, rivers, railroads, high tension tower lines or underground transmission lines, cemeteries, parks, natural watercourse: county drains, sewers, easements or any other features the existence, location or desction of which might be of value in determining the overall requirements for the subdivision.
  - c. Easements for public utilities shall be shown with the tentative layout. Inas-much as improper utility easement location can result in a change in plat layout the Proprietor is advised to consult with the respective utility companies before presentation of the tentative layout for approval. Contour information should be shown on the same plan; otherwise, it shall be submitted separately.
  - d. In the case where the Proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total rea, the original plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the Proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the Proprietor is subdivided. The final acceptance of a subdivision which is a partial development of a larger general layout does not automatically insure the final acceptance of the overall layout. The intent is to permit some flexibility in the overall layout if future conditions make it desirable or necessary to make changes.
  - e. Three prints of the preliminary plat layout prepared in accordance with the above requirements shall be submitted together with a letter of transmittal requesting that the plat plan be reviewed and, if found satisfactory, approved. The name of the Proprietor and engineering or surveying firm with mailing addresses and telephone numbers of each shall be included with the transmittal.
  - F. If the proposed plat as submitted meets with all the requirements, one approved copy of the tentative plan will be returned. Approval of the preliminary plan is required before proceeding with the preparation and drainage plans. If the proposed plat is not approved as originally submitted, the Commissioner notifies the Proprietor in writing, setting forth the reasons for withholding approval and requests that the necessary changes be made and the revised layout resubmitted.
  - G Approval of the tentative layout is not intended to be final approval. If either the Proprietor or the Commissioner finds it advantageous to make changes before the final plat is presented to the Commissioner for signature, such changes can be made, provided that the same procedures outlined above are repeated with each change in the layout. The Proprietor is reminded that approval of the proposed subdivision by the local governing body is also require under the Plat Act. Such changes shall be incorporated in the layout and a new preliminary plan resubmitted even though the original layout may have already been approved by the Commissioner. If the Proprietor does not present his final plat to the Commissioner for approval within a period of two years after receiving approval of the tentative layout it may be necessary that he resubmit the layout for review in the light of new information which may have become available during the interim.
2. Right-of-way requirements:
    - a. The following minimum right-of-way widths are required for established county county drains and natural watercourses that will be utilized and lay within the confines of the proposed subdivision.
      - (1) Open drains and watercourses whose maximum bank-to-bank width exceeds 30 feet shall have a right-of-way equal to the extreme width of drain, plus 30 feet. The easement shall be centered on the centerline of drain or watercourse.

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- (2) Open drains and watercourses whose maximum bank-to-bank width is less than 30 feet shall have a right-of-way equal to the extreme width of drain plus 24 feet. The easement shall be centered on centerline of the drain or watercourse.
  - (3) All ditches will have a flat bottom at least 4 feet wide.
  - (4) Enclosed drains whose internal diameter is 8 feet or less shall have a right-of-way of 20 feet centered on the centerline of the enclosure.
  - (5) Enclosed drains whose internal diameter exceeds 8 feet shall have a right-of-way of 25 feet centered on the centerline of the enclosure.
- b. The above widths shall govern generally. However, if the Commissioner determines that additional right-of-way is required for proper construction, or because of special circumstances, such facts shall be made known to the Proprietor after a review of the preliminary layout by the Commissioner. Exceptions to the above right-of-way requirements may be made only at the discretion of the Commissioner.
3. Drainage Districts:  
In accordance with Act 40 of the Public Acts of 1956 as amended, the drainage of the proposed subdivision will be contained within the drainage district or drainage districts of the established county drain, or if there be no established drainage district, then within the limits of the natural drainage basin. There are provisions for minor alterations of the legal limits of established drainage districts.
4. Road and Street Drainage:  
The Subdivision Control Act of 1967 recognizes the responsibility of the Board of County Road Commissioners to establish rules for plat submission and for proper drainage for highways, streets and alleys in its jurisdiction. It is contemplated that the drainage of the land embraced by the subdivision will be conveyed to the outlet by means of highway, street, or alley drainage structures. Drainage originating outside the Subdivision limits, which has hitherto flowed onto or across the subdivision, and watercourses and county drains that traverse or abutt the subdivision, will be reviewed by the Commissioner for adequacy.

#### IV. FINAL PLAT REQUIREMENTS:

1. How Final Plat Is Approved:  
The Plat Act requires that one Ployestor film or five linen true plats be delivered to the Commissioner for review. Such final plats must be prepared in accordance with the requirements of the Plat Act which sets forth the size scale, material, and reproduction process. If the Commissioner approves the plat, he will transcribe thereon his certificate of approval and deliver the plat within ten days after date of approval. If the Commissioner rejects the plat, written notice of such rejection and reasons therefore are given to the Proprietor within ten days.
2. What is Required Before Approval:  
Prior to approval of the final plat, the Commissioner shall require that the county drains and watercourses shown on the plat shall be improved in accordance with the construction standards of the Commissioner, including any bridges, or culverts where necessary. Such improvements shall be made prior to the submission of the final plat for the Commissioner's approval. However the Commissioner may approve the plat prior to the making of necessary improvements, provided the Proprietor files a satisfactory bond with the Commissioner to guarantee the improvements after the approval of the plat. The amount of the bond will be determined by the Commissioner after a review of the subdivision layout. Such bond shall be posted prior to submission of the final plat for the Commissioner's approval.
3. Procedures When Drainage Improvements Are Made Before Submission Of Final Plat:
  - a. If the Proprietor desires to make the necessary drain improvements required in the proposed subdivision before submission of the final plat, his engineer shall prepare drainage plans in accordance with the Drain Commissioner's rule herein after showing in detail the work which will be performed.
  - b. It will be necessary that the Proprietor make satisfactory arrangements with the Commissioner before commencing to do any work in the subdivision to provide for the inspection of the project by the Commissioner or his Engineer. These arrangements shall include among other things, the submission of three sets of approved drainage plans satisfactory evidence of insurance coverage and a

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copy of the signed contract between the Proprietor and his contractor covering the work to be performed. If the drainage work contemplates a re-location, tiling, deepening or widening of a county drain, application for permission will be filed with the office of the Drain Commissioner. This application will be accompanied by the necessary release of right-of-way, in recordable form accomplished by all owners of interest. If it is necessary to retain a natural watercourse because the watercourse serves land outside the subdivision, then recordable release for said watercourse will be submitted. The contract shall show in addition to the name of the contractor, the items of work involved, the total cost of the project, and the proposed completion date. At the time this information is supplied to the Commissioner, inspection deposits shall be computed and payment of same shall be made to the Commissioner before work commences.

- c. The Proprietor should take whatever precautions he deems necessary in his direct relations with his contractor in order to assure that the work performed by the contractor meets the approval of the Commissioner. The Proprietor shall be held totally responsible for the fulfillment of his obligations to the Commissioner notwithstanding that his contractor or consulting engineer may be at fault.
  - d. Upon completion of the improvement to the satisfaction of the Commissioner, the Proprietor may submit his final plat to the Commissioner for approval. At this time he will be required to post a nominal bond with the Commissioner to guarantee repairs of any defects which may show up as a result of poor workmanship or defective material within one year after completion of the improvement. Should no defects occur within this period of one year and should no adjustments be required, this bond will be returned to the Proprietor in its entirety.
4. Procedures When Drainage Improvements Are Made After Approval of Final Plat:
- a. If it is the desire of the Proprietor to have the plat recorded before completing drainage improvements, he shall enter into an agreement with the commissioner and post a bond in an amount determined by the Commissioner to guarantee the completion of all improvements in accordance with the Commissioner's requirements.
  - b. The time of completion of the drainage improvements under this arrangement shall not extend for a period greater than two years from the original date of the agreement. If after this period the improvements are not completed, the Commissioner may exercise his right under terms of the agreement to forfeit the bond and proceed to fulfill the Proprietor's obligation under such agreement at such time and in such manner as the Commissioner may determine.
  - c. In the event the Proprietor makes a cash deposit to guarantee the requirements within the plat, the Commissioner shall rebate to him portions of the original deposit as the work progresses. However, the amount of deposit retained by the Commissioner will at no time be reduced to less than the estimated cost of the work still remaining to be completed.

#### V. CONSTRUCTION PLANS:

##### 1. Drainage Plans;

After the preliminary plan of the proposed subdivision has been approved by the Commissioner as outlined heretofore, the Proprietor's engineer may proceed with the preparation of the drainage plans for the improvement of the subdivision. These plans shall show plan, profile, cross-sections, location of drainage facilities, and structures, special details, and such other information as may be necessary to complete the work. All plans shall be referenced to the USGS Bench Mark System. Three sets of prints and drainage plans shall be submitted to the Commissioner for review. After the plans have been reviewed by the Commissioner, one set of prints will be returned to the Proprietor's engineer marked with either an approval or with corrections or changes which may be required. When the improvement plans have been finally approved by the Commissioner, the Proprietor may proceed to make the final arrangements for placing the work under construction, as outlined in Section IV above. It should be noted

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at this point that if the information given to the Commissioner does not represent the conditions as they exist on the ground, and should any revisions be required as a result of this lack of complete information, such revisions shall be made by the Proprietor notwithstanding that the plans have been approved. The Proprietor's engineer shall submit one set of as constructed plans to the Commissioner when all drainage improvements have been complete. This must be done before a final release will be given by the Commissioner.

2. Utility Plans:

If any utilities are to be located within the drainage right-of-way of the proposed subdivision, the Proprietor's engineer shall present plans of such utilities to the Commissioner for his approval as to location. If possible such plans should be presented at the same time as drainage plans so that all details of construction and location may be checked and properly oriented with each other, in order to avoid conflict, it is important that a careful investigation be made where underground utilities are in close proximity to proposed storm sewers, of where they cross each other.

VI. IMPROVEMENTS REQUIRED:

All work performed in the right-of-way of county drains shall be in accordance with the Commissioner's rules.

1. Clearing within Drain Right-Of-Way:

All trees and brush, including the roots thereof, shall be removed from the proposed right-of-way of the drains within the limits of the subdivision, unless otherwise permitted by the Commissioner.

2. Drainage

- a. Where street drainage is outletted to county drains or natural watercourses such outlets shall be so designed as to enter the drain or watercourse at an angle of 90 degrees or less, as determined by the upstream centerline. Heavily eroded walls, riprap or sodding will be required.
- b. The plans which are prepared by the Proprietor's engineer shall clearly show how the surface drainage will be disposed of from the streets in the proposed subdivision. Where drainage easements are required, the existing ground elevations shall be shown together with the final ditch or storm sewer profiles proposed to be adopted. In order to adequately provide for the surface drainage of the proposed subdivision it may be necessary to do work outside the limits of the subdivision or to acquire easements across private property. It will be necessary that the plans submitted by the Proprietor's engineer reveal how this will be accomplished. In any event the plans and provisions for surface drainage, in a proposed subdivision or a partial development of a larger area, shall reflect and show engineering, planning and consideration of future development and need for drainage in the street, rounding basin, or any other necessary measures to assure proper disposal to a safe outlet. If drainage easements are required beyond the limits of the subdivision, these easements shall be acquired by the Proprietor in the name of the drainage district.
- c. Where storm sewers are to be constructed, the Proprietor's construction plans and profiles shall show the location and size of each sewer line and drainage structure in the drainage system, together with elevations and proposed grades. The plan sheets shall clearly show the areas which will be contributing storm water runoff to each inlet in the sewer system. Minimum allowable storm sewer size is 12 inches in diameter. All concrete sewer and culvert pipe shall be designated on the plans by the appropriate class as specified by the then applicable ASTM specifications. Where a storm sewer will be continually subjected to a hydraulic head, an internal rubber gasket of a type approved by the Commissioner will be required.
- d. When necessary for drainage purposes, crossroad culverts and driveway approach culverts shall be installed at locations shown on the plans or as designated by the Commissioner. The pipe used in culverts may be reinforced concrete culvert pipe or corrugated metal pipe and pipe arch. The pipe furnished shall conform to the then applicable ASTM specifications for concrete sewer pipe or to the Current AASHTO specifications for corrugated metal culvert pipe as determined by the Commissioner.

3. Final Cleanup, Seeding, Sodding And Mulching:

- a. The Proprietor shall be responsible for cleaning all sewers, manholes, catch basins, or other structures affected by the operations in the subdivision before final release.

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- b. Sodding, seeding, fertilizing and mulching where required shall be done in accordance with the Commissioner's general specifications. This work shall be performed only after prior approval of the Commissioner as to time of performance and acceptability of the finished grade. This work must be performed under the inspection of the Commissioner or his Agent.
  - c. All disturbed soil shall be mulched, seeded and fertilized in a manner to prevent erosion prior to approval of the plat. A monetary deposit in an amount agreeable to the Commissioner in lieu of seeding will be acceptable as assurance of compliance after which said plat will be approved.
  - d. Seed for erosion control shall be certified as to purity and germination and shall be composed as follows:

KIND OF SEED	MINIMUM PURITY	MINIMUM GERMINATION	PERCENT BY WT. IN MIXTURE
Creeping Red Fescue	90%	75%	407.
Tall Fescue-Ky. 30 variety	907.	757.	407.
Kentucky Blue Grass	857.	75%	5%
Red Top	90%	80%	57.
Perennial Rye	907.	90%	107.

- e. Mulch shall be straw, hay, marsh hay or other material approved by the Commissioner.

4. Contingencies:

It is not the intent of the above requirements and specifications to cover every foreseeable item of work which may be necessary in order to complete the drainage improvements to the satisfaction of the Commissioner. If it should become necessary in the opinion of the Commissioner, that certain work not heretofore itemized to be performed as part of the drainage improvement, it shall be the Proprietor's obligation to do so upon direction of the Commissioner. Any disagreements between the Proprietor and the Commissioner as to the obligations of the Proprietor shall be presented to the Commissioner, and his decision in the matter shall be final.

VII. INSURANCE REQUIREMENTS:

The Proprietor shall cause its contractors to furnish to the Commissioner satisfactory evidence of public liability and property damage insurance coverage as set forth by the then current requirements of the Drain Commissioner.

VIII. STAKING REQUIREMENTS:

The Following are the minimum requirements for construction staking.

1. Storm Sewers:
  - a. Show offset to utility on stakes or "cut sheet".
  - b. Alignment stakes must be furnished every 100' of straight lines, every 50' on radial over 200' and every 25' on radial under 200'. (Grade stakes as required by the local authority.)
  - c. Set a top of casting grade for all structures. (In addition, reference top of casting grade to the flow line.)
  - d. Furnish grade stakes every 50' on which the flow line grade is clearly written. A "Cut Sheet" conforming to the minimum standard explained below can also be used to indicate the flow lines.
  - e. Each structure should be witnessed by two stakes, and the direction and size of all pipe entering the structure should also be clearly indicated by use of stakes.

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- f. At each deflection in alignment of change in flow line grade, there must be a minimum of two back sight stakes.
2. Open Drains:
    - a. Show offset to utility on stakes or "Cut Sheet".
    - b. Alignment stakes must be furnished every 100' on straight lines, every 50' on radial over 200', and every 25' on radial under 200'. (Grade stakes as required by the local authority.)
    - c. Each structure should be witnessed by two stakes, with a hub marking the actual location.
    - d. Each structure should be witnessed by two stakes, and the direction and size of all pipe entering the structure should also be clearly indicated by use of stakes.
  3. General:
    - a. Where required the Proprietor's contractor must furnish the Commissioner with two copies of all "Cut Sheets" prior to starting work.
    - b. All the above requirements are the necessary minimum and their fulfillment will be a prerequisite to any work which requires alignment or grade. These requirements will satisfy normal operations but may have to be modified or expanded for unusual construction operations.

IX. PLAT FEES:

1. Plat review fees: Fee for reviewing a plat to determine that the provision of Section 192 of the Subdivision Control Act of 1967 have been complied with and are hereby set forth as follows:
  - a. For the first 25 lots, the Drain Commissioner shall charge a fee of \$50.00 per preliminary plat review and \$10.00 per final plat review. Over 25 lots, there shall be an additional fee of \$1.00 per lot.
  - b. All checks shall be made payable to Antrim County Drain Commissioner and put into the County Treasury.
  - c. If the plat contains a county drain or natural watercourse that must be re-located, tiled, deepened, or cleaned out, an inspection fee in addition to the plat review fee will be charged.

Motion made by Babcock, seconded by Ricciardi that Ordinance #77-1 be approved and adopted. Motion carried unanimously.

Motion made by VanderArk, seconded by Derrer, that this Board enter into an agreement with Helena Township and the Antrim Co. Road Commission to commence a suit to quiet title, or to take such legal action as determined by counsel, on the alleged public access to Torch Lake in the Village of Alden on property described as: Reserve lying directly West of Lot 12, Plat of Spencer Creek, T 29 N, R 8 V. Motion carried.

Motion made by Babcock, seconded by Bradshaw, that we appropriate \$100 for Daniel Bone, Field Appraiser, to attend a Michigan Assessors Association meeting in Grand Rapids to be held on September 19, 20, and 21. Motion carried by a yea and nay vote, all members voting yes.

Motion made by Ricciardi, seconded by Babcock, that the claims as submitted by the Finance Committee totaling \$12,227.01 be allowed and paid. Motion carried by a yea and nay vote, all members voting yes.

Motion made by Babcock, seconded by Ricciardi, that the Road Commission expense vouchers be approved. Motion carried.

Motion made by Babcock, seconded by Ricciardi, that we allocate \$23,601.00 of Countercyclical funds to the Public Safety Department, Motion carried.

Motion made by Babcock, seconded by Ricciardi, that we transfer \$23,601.00 from the General Fund to the Contingencies fund. Motion carried.

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WHEREAS, the parking of vehicles, the abandonment of obstructive objects, the snow and ice which is being deposited from private property and private driveways onto our public highways, is interfering with effective snow removal and obstructs and is hazardous to the public traveling on our highways.

NOW, THEREFORE, THE ANTRIM COUNTY BOARD OF COMMISSIONERS ORDAINS,

SECTION 1. No person shall park or abandon any vehicle or other objects or occupy the right-of-way of a public road in any manner which interferes with the snow removal or maintenance on any public highway, street or alley.

SECTION 2. No person shall park or abandon any vehicle or other objects or occupy the right-of-way of a public road in any manner which encumbers, obstructs or endangers the use of any public highway, street or alley.

SECTION 3. No person shall deposit on any public highway, street or alley or the right-of-way thereof, snow or ice which has been removed from private driveways or private property.

SECTION 4. The County Clerk is hereby directed to cause this Ordinance to be published as soon as possible in all newspapers of general circulation in the County. This Ordinance shall take effect sixty days (60) after its adoption by the Board of Commissioners.

SECTION 5. Any person who shall be convicted of a violation of this Ordinance shall be subject to a fine not to exceed One Hundred Dollars (\$100.00) or imprisonment in the County Jail for ninety days (90) or both.

Ordinance #2 was approved as follows: Yeas - VanderArk, Shooks, Ricciardi, Ash Bradshaw, Murphy, Derrer, Ouvry. Nays - none.

ORDINANCE DECLARED ADOPTED; Everett Ash, Chairman

Motion made by Ricciardi, seconded by Ouvry, that two private telephone lines for the Prosecuting Attorney be installed in the new county facility. Motion carried by a ye and nay vote, all members voting yes.

Motion made by Ricciardi, seconded by Ouvry, that the Prosecuting Attorney employ a summer intern again in 1978 with the county's share of the cost not to exceed \$1,000. Motion carried by a ye and nay vote, all members voting yes.

Motion made by Bradshaw, seconded by Ricciardi, that \$40,000 in funds from the Federal Aid to Recreation be invested in Certificates of Deposit for one month or until such time as the DeLanges are paid for their Grass River property. Motion carried.

Motion made by Derrer, seconded by Bradshaw that the Prosecuting Attorney's recommendation be followed and that a law suit be commenced against Robert Stanley if he continues to block a road into the Grass River Natural Area. Motion carried.

\*\* Motion made by Shooks, seconded by Ricciardi, that the property adjacent to the Grass River Natural Area be purchased from Harold Gorsuch for \$250.00. Motion carried by a ye and nay vote, all members voting yes.

Motion made by Ricciardi, seconded by Bradshaw, that the Chairman be authorized to sign the Cooperative Reimbursement Grant for the Prosecuting Attorney's office. Motion carried.

Motion made by Ricciardi, seconded by Bradshaw, that the compensatory time policy for Detectives be the same as that of the Michigan State Police, i.e., an individual may accrue up to 80 hours compensatory time which, if not taken within a year, is lost. It was further moved that the Detectives other fringe benefits be the same as those of other county employees. Motion carried unanimously.

Motion made by Ricciardi, seconded by Bradshaw, that Ordinance #1, formerly adopted by this Board on July 14, 1977, be adopted. Motion carried, by a ye and nay vote, all members voting yes.

\*\* Property described as: Commencing at the NW corner of the SEC of the SE, hence E 1.5 rods, thence southwest to a point 1.5 rods due south of the Point of Beginning, thence north to the Point of Beginning, being in Sec. 14, T29N, R8W