

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4645

Sponsor(s): xxxxxxx

Date: July 28, 2014

|   |  |  |   |                 |  |    |  |       |  |                        |   |                          |
|---|--|--|---|-----------------|--|----|--|-------|--|------------------------|---|--------------------------|
| SUBJECT   | Action Requested<br><input type="checkbox"/> Resolution<br><input checked="" type="checkbox"/> Ordinance<br><br>Project/Title: Andrew & Jennifer Wuebker Case No. RZ-2014-507  |  |   |                 |  |    |  |       |  |                        |   |                          |
| BUDGET INFORMATION<br>To be completed<br>By Requesting<br>Department and<br>Finance | <table border="1" data-bbox="313 491 1188 808"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT<br/><br/>TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:<br><br><input checked="" type="checkbox"/> No budget impact (no fiscal note required)<br><input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:<br>Department: Estimated Use: \$<br><br>Prior Year Budget (if applicable):<br>Prior Year Actual Amount Spent (if applicable): |  | Amount authorized by this legislation this fiscal year: | \$              | Amount previously authorized this fiscal year:   | \$ | Total amount authorized after this legislative action: | \$    | Amount budgeted for this item * (including transfers): | \$                     | Source of funding (name of fund) and account code number; FROM / TO | FROM ACCT<br><br>TO ACCT |
| Amount authorized by this legislation this fiscal year:                             | \$   |  |   |                 |  |    |  |       |  |                        |   |                          |
| Amount previously authorized this fiscal year:                                      | \$   |  |   |                 |  |    |  |       |  |                        |   |                          |
| Total amount authorized after this legislative action:                              | \$   |  |   |                 |  |    |  |       |  |                        |   |                          |
| Amount budgeted for this item * (including transfers):                              | \$   |  |   |                 |  |    |  |       |  |                        |   |                          |
| Source of funding (name of fund) and account code number; FROM / TO                 | FROM ACCT<br><br>TO ACCT   |  |   |                 |  |    |  |       |  |                        |   |                          |
| PRIOR LEGISLATION   | Prior ordinances and (date):<br>Prior resolutions and (date):  |  |   |                 |  |    |  |       |  |                        |   |                          |
| CONTACT INFORMATION   | RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577  |  |   |                 |  |    |  |       |  |                        |   |                          |
| REQUEST SUMMARY   | Requesting a change of zoning from District AG (Agricultural) on a 1.5 ± acre tract to District RS (Residential Suburban). The 1.5 ± acres are described as Lot 40, Trophy Estates, a subdivision in Jackson County, Missouri aka 25208 E. 130 <sup>th</sup> Street, and specifically described on Attachment to RLA-1. This is the sixth lot within Trophy Estates to request a change in zoning.<br>Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.<br>The Jackson County Plan Commission voted 8 to 0 to recommend <u>APPROVAL</u> to the County Legislature.  |  |   |                 |  |    |  |       |  |                        |   |                          |
| CLEARANCE   | <input type="checkbox"/> Tax Clearance Completed (Purchasing & Department)<br><input type="checkbox"/> Business License Verified (Purchasing & Department)<br><input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)   |  |   |                 |  |    |  |       |  |                        |   |                          |
| ATTACHMENTS   | See Attachment to RLA-2  |  |   |                 |  |    |  |       |  |                        |   |                          |
| REVIEW  | <table border="1" data-bbox="298 1696 1523 1955"> <tr> <td>Department Director:</td> <td>Date:07/23/2014</td> </tr> <tr> <td>Earl Newill, Acting Director: <i>Earl Newill</i></td> <td></td> </tr> <tr> <td>Finance (Budget Approval):<br/><i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>Shelly Newill</i></td> <td>Date: <i>7/23/2014</i></td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>  |  | Department Director:                                    | Date:07/23/2014 | Earl Newill, Acting Director: <i>Earl Newill</i> |    | Finance (Budget Approval):<br><i>If applicable</i>     | Date: | Division Manager: <i>Shelly Newill</i>                 | Date: <i>7/23/2014</i> | County Counselor's Office:  | Date:                    |
| Department Director:  | Date:07/23/2014  |  |   |                 |  |    |  |       |  |                        |   |                          |
| Earl Newill, Acting Director: <i>Earl Newill</i>                                    |  |  |   |                 |  |    |  |       |  |                        |   |                          |
| Finance (Budget Approval):<br><i>If applicable</i>                                  | Date:  |  |   |                 |  |    |  |       |  |                        |   |                          |
| Division Manager: <i>Shelly Newill</i>  | Date: <i>7/23/2014</i>   |  |   |                 |  |    |  |       |  |                        |   |                          |
| County Counselor's Office:  | Date:  |  |   |                 |  |    |  |       |  |                        |   |                          |

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

| Account Number: | Account Title: | Amount Not to Exceed: |
|-----------------|----------------|-----------------------|
|                 |                |                       |

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-2:**

**Ord. 4645**

Attachments

Plan Commission Public Hearing Summary from July 17, 2014

Location Map

Staff Report

Affidavit of Publication in Independence Examiner

Names/Addresses of Surrounding Property Owners

Copy of letter to said property owners

Map showing current zoning district in area

County Code Chapter 240 – Unified Development Code

County Master Plan – “Strategy for the Future”

Application

Photos of Property

RZ-2014-507

ATTACHMENT TO RLA 1:

**Ord. 4645**

**Description:** Lot 40, Trophy Estates, a subdivision in Jackson County, Missouri

# Jackson County Plan Commission Summary of Public Hearing

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Ord. 4645

**Date:** July 17, 2014

**Place:** Independence City Hall  
111 E. Maple, Independence, MO

**Attendance:** Chairman Antey  
Mr. Gibler  
Mr. Pointer  
Mr. Haley  
Mr. Crawford  
Mrs. Mershon  
Mrs. Querry  
Mr. Tarpley

**Staff:** Randy Diehl  
Kristen Geary  
Jay Haden  
Chris Jenkins  
Brianna Wilson

## **RZ-2014-507**

Randy Diehl, Jackson County Public Works gave the staff report.

**Applicant:** Andrew & Jennifer Wuebker

**Exhibits:** 9 exhibits entered into the record

**Location:** Lot 40, Trophy Estates, Jackson County, Missouri  
aka 25208 E. 130<sup>th</sup> Street.

**Area:** 1.05 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS  
(Residential Suburban)

**Purpose:** Applicant is requesting the change in zoning in order to decrease the  
building setback requirements for future construction.

### **Current Land Use and Zoning in the Area:**

The zoning in the area is predominantly Agricultural. The land use within the platted subdivision is single family residences. Trophy Estates was platted in 1977 and 1979. The Zoning Order (adopted in 1960) in place at

the time did not require a change in zoning for platted lots. Therefore the zoning for Trophy Estates is Agricultural.

Lot 21 (25304 E. 130<sup>th</sup> Terrace), Lot 36 (25406 E. 130<sup>th</sup> Street), Lot 39 (25302 E 130<sup>th</sup> Street), Lot 43 (25213 S. 130<sup>th</sup> Terrace) and Lot 30 (12903 SE Howard Street) all within Trophy Estates, were rezoned to Residential Suburban District for the same purpose as this application

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

The Residential Suburban District (RS) is intended for detached single family residential use and where public services exist or could reasonably be extended to development. Trophy Estates subdivision is served by a community (package treatment) sewer system and water is provided by Lee's Summit.

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2014-507

|                 |  |
|-----------------|--|
| Chairman Antey: | Are there any questions for staff?   |
| Mrs. Mershon:   | What is the future construction?   |
| Randy Diehl:    | It is an outbuilding.  |
| Chairman Antey: | Is the applicant present?  |
| Andrew Wuebker: | 25208 E 130 <sup>th</sup> Street, Lone Jack, MO  |
| Chairman Antey: | Do you have anything to add to Randy's report?   |
| Andrew Wuebker: | It's going to be a garage right off the end of our driveway. The setback right now would require me to put it in the center of my lot. I just want to put it off the driveway. |
| Mr. Tarpley:    | Single car or double car?  |
| Andrew Wuebker: | Double car garage. 30' x 40'.  |
| Chairman Antey: | Are there any other questions for the applicant?   |
| Mr. Hailey:     | Are your neighbors ok with this?   |
| Andrew Wuebker: | Yes.   |
| Chairman Antey: | Is there anyone else present who would like to speak in favor of the application? Is there anyone present who is opposed to or has questions concerning this application?      |

Mr. Tarpley motioned to take this under advisement. Mr. Pointer seconded.

Motion Carried 8 – 0.

Mr. Tarpley: It makes sense to put it at the end of the driveway.

Mrs. Mershon motioned to approve CU-2014-215. Mr. Crawford seconded.

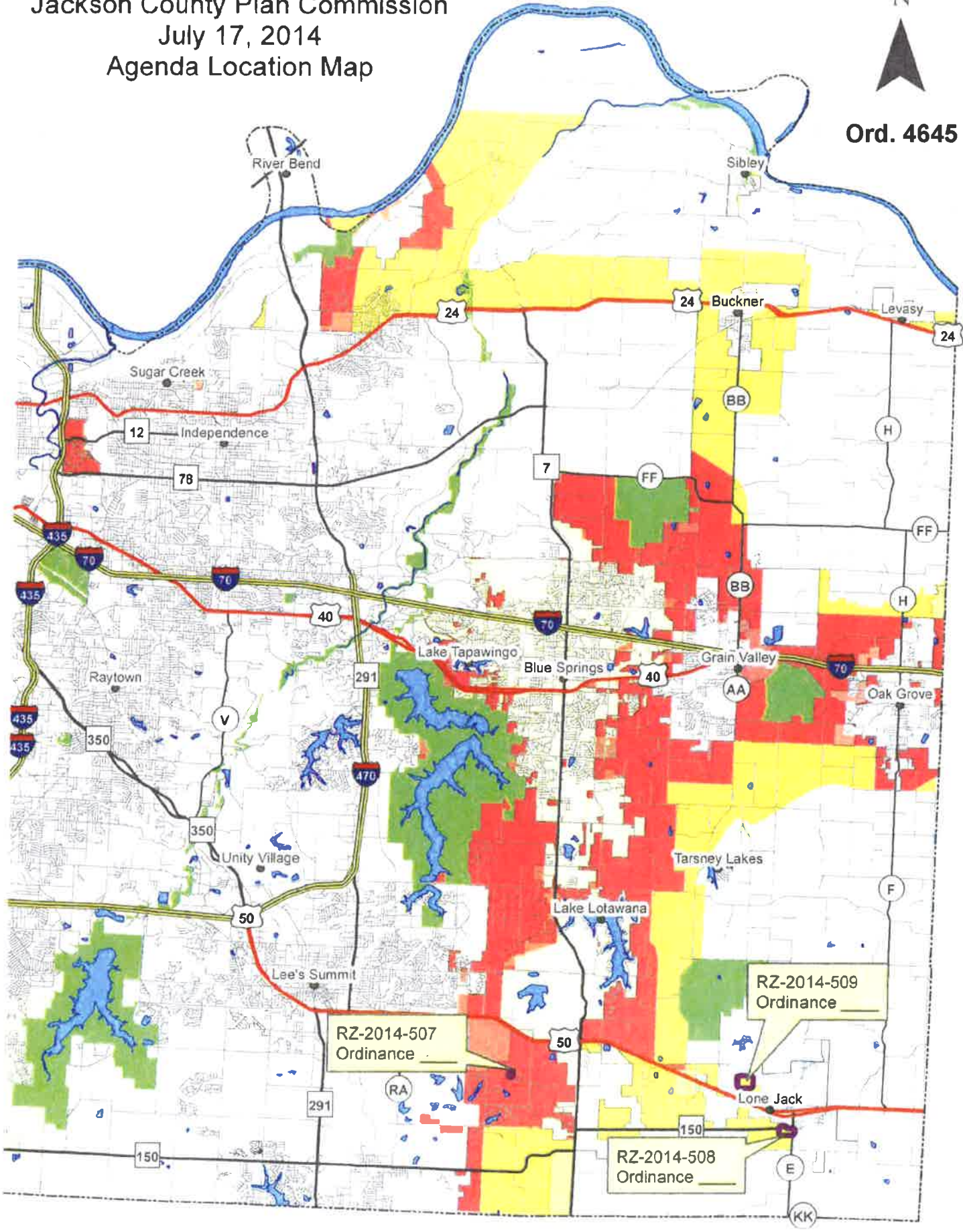
Motion Carried 8 – 0.

Jackson County Plan Commission  
July 17, 2014  
Agenda Location Map

N



Ord. 4645



RZ-2014-507  
Ordinance

RZ-2014-508  
Ordinance

RZ-2014-509  
Ordinance

**STAFF REPORT**

**Ord. 4645**

**PLAN COMMISSION  
July 17, 2014**

**RE: RZ-2014-507**

**Applicant:** Andrew & Jennifer Wuebker

**Location:** Lot 40, Trophy Estates, Jackson County, Missouri  
aka 25208 E. 130<sup>th</sup> Street.

**Area:** 1.05 ± acres

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**Current Land Use and Zoning in the Area:**

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**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2014-507

Respectfully submitted,  
Planning and Environmental Health Division

Randy Diehl  
Planning and Zoning Coordinator

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI) }  
County of Jackson) } SS.

I, **KATHERINE M. JONES**, being duly sworn according to law, state that I am the LEGAL CLERK and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following issues:

Commencing on July 1, 2014

and ending on July 1, 2014, being the issues of July 1, 2014

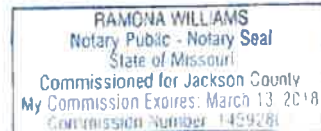
being Volume 110 Numbers 29

Signed

*Katherine M. Jones*  
Legal Clerk, Katherine M. Jones

Subscribed and sworn to before me on this 1st day of July 2014

*Ramona Williams*  
Notary Public, Ramona Williams



My commission expires March 13, 2018

Publishing Fee \_\_\_\_\_

Received payment \_\_\_\_\_ per \_\_\_\_\_

**PUBLIC HEARING**

The Jackson County Plan Commission will hold public hearings at 8:30 a.m. on Thursday, July 17, 2014 in Conference Room D, Ground Floor, City Hall, 111 East Maple, Independence, MO on the following requests:

1. **RZ-2014-507 - Andrew & Jennifer Wuebker**  
Requesting a change of zoning from District AG (Agricultural) on a 1.5 ± acre tract to District RS (Residential Suburban). The 1.5 ± acres is legally described as Lot 40, Trophy Estates aka 25208 E. 130th Street.
2. **RZ-2014-508 - Dana L. & Rhonda G. Loudermilk**  
Requesting a change of zoning from District AG (Agricultural) on a 9.93 ± acre tract to District RE (Residential Estates). The 9.93 ± acres are located in Section 25, Township 47, Range 30 aka 35211 E. Outer Bell Road.
3. **RZ-2014-509 - Jeffrey D. & Stacey A. Roberson**  
Requesting a change of zoning from District AG (Agricultural) on a 25.00 ± acre tract to District RR (Residential Ranchette). The 25.00 ± acres are located in Section 14, Township 47, Range 30 aka 12910 Lone Jack Lee's Summit Road.

For further details, exact locations and specific boundaries of these requests, contact Public Works Planning and Development Division at 881-4649, 303 W. Walnut, Independence, MO where the applications are accessible for inspection.

Persons with disabilities wishing to participate in the meeting and requiring a reasonable accommodation may call the Jackson County Public Works Planning and Development Division at 881-4649 or 1-800-735-2466 (Missouri Relay); 48 hour notice is required.

Jackson County Public Works  
Planning and Environmental Health  
Scott George, Assistant Director  
Randy Diehl, Subdivision and Zoning Coordinator

July 1, 2014

**Plan Commission July 17, 2014**

**Applicant/ Property Owner**

60-700-04-25-00-0-00-000

Andrew D. & Jennifer K. Wuebker

25208 E. 130th St

Greenwood

MO

64034

Certified Mail - Return Receipt! Property Owners within 185 feet

| Parcel Number            | Owner                              | Address              | City        | State | Zip   |
|--------------------------|------------------------------------|----------------------|-------------|-------|-------|
| 60-700-04-74-00-0-00-000 | EQUITY TRUST COMPANY CUSTODIAN FOB | 225 BURNS RD         | ELYRIA      | OH    | 44035 |
| 60-700-04-25-00-0-00-000 | MARTIN GARY & LINDA                | 25302 E 130TH ST     | GREENWOOD   | MO    | 64034 |
| 60-700-04-26-00-0-00-000 | HENRY ROBERT W & BARBARA K         | 25308 E 130TH ST     | GREENWOOD   | MO    | 64034 |
| 60-700-04-23-00-0-00-000 | WEGER MICHAEL J & REBECCA S        | 25204 E 130TH ST     | GREENWOOD   | MO    | 64034 |
| 60-700-03-02-01-0-00-000 | GRIFFIN RANDALL BERNARD-TRUSTEE &  | 4210 NE EDMONSON CRT | LEES SUMMIT | MO    | 64064 |
| 60-700-04-42-00-0-00-000 | COLLIER JACK W & VERNA D           | 25207 E 130TH ST     | GREENWOOD   | MO    | 64034 |
| 60-700-04-41-00-0-00-000 | WALKER EVERETT M & JEAN A-TR       | 25303 E 130TH ST     | GREENWOOD   | MO    | 64034 |



**JACKSON COUNTY**  
**Public Works and Facilities Management Departments**

303 West Walnut Street  
Independence, Missouri 64050  
www.jacksongov.org

**Ord. 4645**

*Administration Offices*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4530  
Fax: (816) 881-4448

*Planning and  
Environmental Health*  
303 W. Walnut  
Independence, MO  
64050  
(816) 881-4634  
Fax: (816) 881-1650

*Road Maintenance*  
34900 E. Old U.S. 40 Hwy.  
P.O. Box 160  
Grain Valley, MO  
64029  
(816) 847-7050  
Fax: (816) 847-7051

July 1, 2014

RE: Public Hearing: RZ-2014-507  
Andrew & Jennifer Wuebker

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Andrew & Jennifer Wuebker for a change of zoning from District AG (Agricultural) on a 1.5 ± acre tract to District RS (Residential Suburban). The 1.5 ± acres are located at 26408 E. Herring Road and legally described as Lot 40, Trophy Estates.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on the rezoning will be held by the Plan Commission on Thursday, July 17, 2014 at 8:30 a.m. in Conference Room D, Ground Floor, Independence City Hall, 111 East Maple, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Planning and Environmental Health Division at 881-4649.

Sincerely,

Planning and Environmental Health Division

Randy Diehl  
Planning and Zoning Coordinator

*Michael D. Sanders, County Executive*



# Jackson County Zoning Map

**Legend**

185' Notification Area

**Pending Rezoning**

**Zoning**

Residential Suburban

Streets

Tax Parcels

**Rezoning**

**Zoning**

- RR-Residential Ranchette
- RRp-Residential Ranchette-Planned
- RE-Residential Estates
- RS-Residential Suburban
- RU-Residential Urban
- A(r)-Single-Family
- B(r)-Two-Family
- C(r)-Multi-Family
- A1-Mobile Homes District
- ROp-Residential Office-Planned
- LB-Local Business
- LBp-Local Business-Planned
- GB-General Business
- GBp-General Business-Planned
- LI-Light Industrial
- LIp-Light Industrial-Planned
- HI-Heavy Industrial



EX. 5

RZ-2014-507

Ord

Ord. 4645

1 inch = 400 feet

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

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**APPLICANT INFORMATION:**

**Ord. 4645**

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
  2. Application must be typed or printed in a legible manner.
  3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application.  
Incomplete applications will not be accepted and will be returned to the applicant.
  4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
  5. The filing fee (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)  
\$350.00 – Change of Zoning to Residential  
\$500.00 – Change of Zoning to Commercial or Industrial
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2014-507  
Date filed 6-9-14 Date of hearing 7-17-14  
Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_  
Date signs posted \_\_\_\_\_  
Hearings: Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

**1. Data on Applicant(s) and Owner(s):**

- a. Applicant(s) Name: Andrew + Jennifer Wuebker  
Address: 25208 E 130<sup>th</sup> Street  
Greenwood, MO 64034  
Phone: 816-246-4210
- b. Owner(s) Name: Andrew + Jennifer Wuebker  
Address: 25208 E 130<sup>th</sup> Street  
Greenwood, MO 64034  
Phone: 816-246-4210
- c. Agent(s) Name: NA

Address: NA

Phone: NA

d. Applicant's interest in Property: NA

2. General location (Road Name) E 130<sup>th</sup> St

3. Present Zoning Agriculture Requested Zoning Residential DS

4. AREA (sq. ft. / acres) < 1.5 acres

5. Legal Description of Property: (Write Below or Attached 9)

Lot 40 Trophy Estates Subdivision

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: a month would start in August - September

9. What effect will your proposed development have on the surrounding properties?

None

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? No

If so, will any improvements be made to the property which will increase or decrease the elevation? NA

11. Describe the source/method which provides the following services, and what effect the development will have on same:

a. Water Lee's Summit Water Utilities No effect

b. Sewage disposal Jackson county sewer No effect

c. Electricity KCPL No effect

d. Fire and Police protection Prairie Township - Jackson County Sheriff No effect

12. Describe existing road width and condition: 25 ft good



13. What effect will proposed development have on existing road and traffic conditions? NONE

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? NO

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): NA

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

| Signature  | Date                           |
|--|--------------------------------|
| Property Owner(s) <u>Andrew Wuelker</u><br><u>Jennifer Kuebler</u> | <u>6-9-14</u><br><u>6-9-14</u> |
| Applicant(s): <u>Andrew Wuelker</u><br><u>Jennifer Kuebler</u>     | <u>6-9-14</u><br><u>6-9-14</u> |
| Contract Purchaser(s): <u>NA</u>                                   | <u>NA</u>                      |
| <u>NA</u>  | <u>NA</u>                      |

STATE OF Missouri  
COUNTY OF Jackson

On this 9th day of June, in the year of 2014, before me the undersigned notary public, personally appeared Andrew Wuelker and Jennifer Wuebler

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public Victoria Weisinger Commission Expires 12/22/17

