

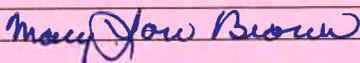
REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4847

Sponsor(s): xxxxxxxx

Date: June 6, 2016

| | | | | | | | | | | | | |
|---|--|---|---|----|--|----|--|----|--|----|---|--------------------------|
| SUBJECT | Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Steve Montgomery & Perri Martin Case No. RZ-2016-531</u> | | | | | | | | | | | |
| BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i> | <table border="1" data-bbox="318 478 1198 793"> <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 TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ 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 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 TO ACCT | | | | | | | | | | | |
| PRIOR LEGISLATION | Prior ordinances and (date): _____ Prior resolutions and (date): _____ | | | | | | | | | | | |
| CONTACT INFORMATION | RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577 | | | | | | | | | | | |
| REQUEST SUMMARY | Requesting a change of zoning from District AG (Agricultural) on 5.0 ± acres to District RR (Residential Ranchette). The 5.0 ± acres are located in Section 20, Township 49, Range 29, Jackson County, Missouri, aka 3814 S. Outer Belt Road (State Route H), and specifically described on Attachment to RLA-1. 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. The Jackson County Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature. | | | | | | | | | | | |
| CLEARANCE | <input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office) | | | | | | | | | | | |
| ATTACHMENTS | See Attachment to RLA-2 | | | | | | | | | | | |
| REVIEW | Department Director:  Brian D. Gaddie, P.E. Director of Public Works | Date: 5/23/2016 Date: Division Manager:  Date: 6/2/16 | | | | | | | | | | |

| | |
|----------------------------|-------|
| | |
| 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-3:

Attachments

Plan Commission Public Hearing Summary from May 19, 2016

Location Map

Staff Report

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

Pictures of Property

Description of operation

RZ-2016-531

ATTACHMENT TO RLA 1:

Description:

A tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 49, Range 29, Jackson County, Missouri, being described as follows: Commencing at the East Quarter Corner of said Section 20, thence along the South line of the Northeast Quarter of said Section 20, North 86 degrees, 12 minutes, 13 seconds West, 30.02 feet to the point of beginning; Thence continuing along said South line, North 86 degrees, 12 minutes, 13 seconds West, 486.38 feet; thence leaving said South line, North 01 degree, 42 minutes, 16 seconds East, 536.92; thence South 82 degrees, 00 minutes, 50 seconds East, 203.79 feet, to a point on the West line of Lot 2, McGonnigil Hill, a subdivision in Jackson County, Missouri; thence along said West line, South 02 degrees, 47 minutes, 47 seconds West, 69.12 feet, to the Southwest corner of said Lot 2, thence along the South line of said Lot 2, South 82 degrees, 00 minutes, 50 seconds East, 276.47 feet, to the Southeast corner of said Lot 2, said point being on the West line of Missouri Highway H, as now established; thence along said West line, South 01 degrees, 42 minutes, 16 seconds West, 9.11 feet, thence South 88 degrees, 17 minutes, 44 seconds East, 10.00 feet; thence South 01 degrees, 42 minutes, 16 seconds West, 423.90 feet to the point of beginning.

Randy Diehl gave the staff report:

Applicant: Steve Montgomery
Owner: Perri Martin
Location: 3814 S Outer Belt Road
Area: 5.00 ± acres
Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)
Purpose: Applicant is requesting the change in zoning for a one lot subdivision. This lot will contain the existing residence on the property.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences and agricultural uses. Property sizes within the area range from around 2 acres to over 80 acres.

Prior to 2013, this area was completely within the Rural Development Tier. At that time the minimum lot size was 5 acres.

With the adaption of amended Development Plan, Building A Vision Together in 2012 and implemented in 2013, the development tiers map was adjusted, and one of the policies was that there would be no new lots less than 10 acres in size in the Rural Development Tier.

Since 2013, staff has had at least 10 to 12 inquiry's relating to the division within the RDT. All of the requests were well within the confines of the Rural Tier. This request is based on the proximity of the Suburban Development Tier. The subject property is approximately 800' North of the Suburban Tier.

The applicant owns approximately 20 acres consisting of three different parcels; 8 acres, 10 acres and 2.88 acres in size.

Staff also looked at the development around the proposed lot. There are seven subdivisions with a half mile radius the subject property.

Mainard Estates, 3.4 acre lot, created in 1991, District AG.

C & H Acres, 5 acre and 3.28 acre lot, created in 1985, District AG.

Brad-Dean Estates, seven lots 2 to 4 acres in size, created in 1970, District AG. Lot 3 was rezoned to District RE (Residential Estates) in 1995.

Shenandoah Estates, five 5 acres lots, created 1995, District AG.

McConnigal Hill, 3 acre and 8 acre lots, created 1990, District AG.

Nobles Corner, 3.5 acre, created 1991, District AG.

Martin Estates, four 2 acre lots, created 1978, District AG

Knox Addition, 6 acre and 9 acre lots, created 2007, District RR.

The proposed lot contains the residence and has an existing driveway onto Outer Belt Road. Any additional access onto Outer Belt Road (State Route H) will require a permit from the Missouri Department of Transportation.

The remaining property are to be combined into a Certificate of Survey as a 14 ± tract and will have access from Old Pink Hill Road.

A small portion of the lot is impacted by the Special Flood Hazard Area. The southwest corner is within Zone AE. Any structures built in this area will be subject to the floodplain ordinance. The lowest floor of a structure will need to be constructed 1 foot above the Base Flood Elevation as shown on the Flood Insurance Rate Maps published by F.E.M.A.

Recommendation:

Staff feels the request is within the character and spirit of the surrounding area. The proposed lot already contains a single family residence. This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2016-531

Respectfully submitted,

Randy Diehl
Administrator

Planning and Development Division

Mr. Antey: *Are there any questions for Randy?*

Mr. Akins: The pond is the lot, that is not the septic pond, is it?

Mr. Diehl: No, the septic system is behind the house. It's location is on the preliminary plat.

Mr. Tarpley: What about access?

Mr. Diehl: Access to the remaining 15 acres will be from Old Pink Hill Road.

Is the applicant here?

Perri Martin, S. Outer Belt Road, Oak Grove, MO

Mr. Antey: *Do you have anything to add to Randy's report?*

Ms. Martin: No

Mr. Antey: *Are there any other questions for the applicant?*

Mr. Antey: *Are there any other questions for the applicant?*

Mr. Antey: *Is there anyone else who is in favor of this application?*

Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?*

Kelly Jennings, 3619 S. Ketterman Road, Oak Grove, MO

Why do they need to change it from Agricultural to Residential?

Mr. Antey: Since it's under 10 acres and rearranging the property lines, they have to bring to property into compliance with the Unified Development Code.

Ms. Jennings: Does the residential zoning give them use for a business?

Mr. Antey: No

Mr. Diehl: There are some home occupations that are allowable under the code depending on the zoning district. Those would be types that do not generate a lot a traffic. Low impact.

Motion to take under advisement.

Mr. Gibler moved to take under advisement. Mr. Akins seconded.

Discussion under advisement

Mr. Tarpley: My only concern was the floodplain area in the back corner.

Motion to approve.

Mr. Akins moved to approve RZ-2016-531. Mr. Gibler seconded.

| | |
|----------------|---------|
| Mr. Tarpley | Approve |
| Mr. Gibler | Approve |
| Mr. Haley | Approve |
| Mr. Crawford | Approve |
| Mrs. Mershon | Approve |
| Mr. Pointer | Approve |
| Mrs. Querry | Approve |
| Mr. Akins | Approve |
| Chairman Antey | Approve |

Motion Carried 9 – 0.

STAFF REPORT

Ord. 4847

**PLAN COMMISSION
May 19, 2016**

RE: RZ-2015-531

Applicant: Steve Montgomery

Owner: Perri Martin

Location: 3814 S Outer Belt Road

Area: 5.00 ± acres

Request: Change of zoning from District AG (Agricultural) to District RR (Residential Ranchette)

Purpose: Applicant is requesting the change in zoning for a one lot subdivision. This lot will contain the existing residence on the property.

Current Land Use and Zoning in the Area:

The zoning in the immediate area is Agricultural with the majority of the land use being single family residences and agricultural uses. Property sizes within the area range from around 2 acres to over 80 acres.

Prior to 2013, this area was completely within the Rural Development Tier. At that time the minimum lot size was 5 acres.

With the adaption of amended Development Plan, Building A Vision Together in 2012 and implemented in 2013, the development tiers map was adjusted, and one of the policies was that there would be no new lots less than 10 acres in size in the Rural Development Tier.

Since 2013, staff has had at least 10 to 12 inquiry's relating to the division within the RDT. All of the requests were well within the confines of the Rural Tier. This request is based on the proximity of the Suburban Development Tier. The subject property is approximately 800' North of the Suburban Tier.

The applicant owns approximately 20 acres consisting of three different parcels; 8 acres, 10 acres and 2.88 acres in size.

Staff also looked at the development around the proposed lot. There are seven subdivisions with a half mile radius the subject property.

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The proposed lot contains the residence and has an existing driveway onto Outer Belt Road. Any addition access onto to Outer Belt Road (State Route H) will require a permit from the Missouri Department of Transportation.

The remaining property are to be combined into a Certificate of Survey as a 14 ± tract and will have access from Old Pink Hill Road.

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Recommendation:

Staff feels the request is within the character and spirit of the surrounding area. The proposed lot already contains a single family residence. This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2016-531

Respectfully submitted,

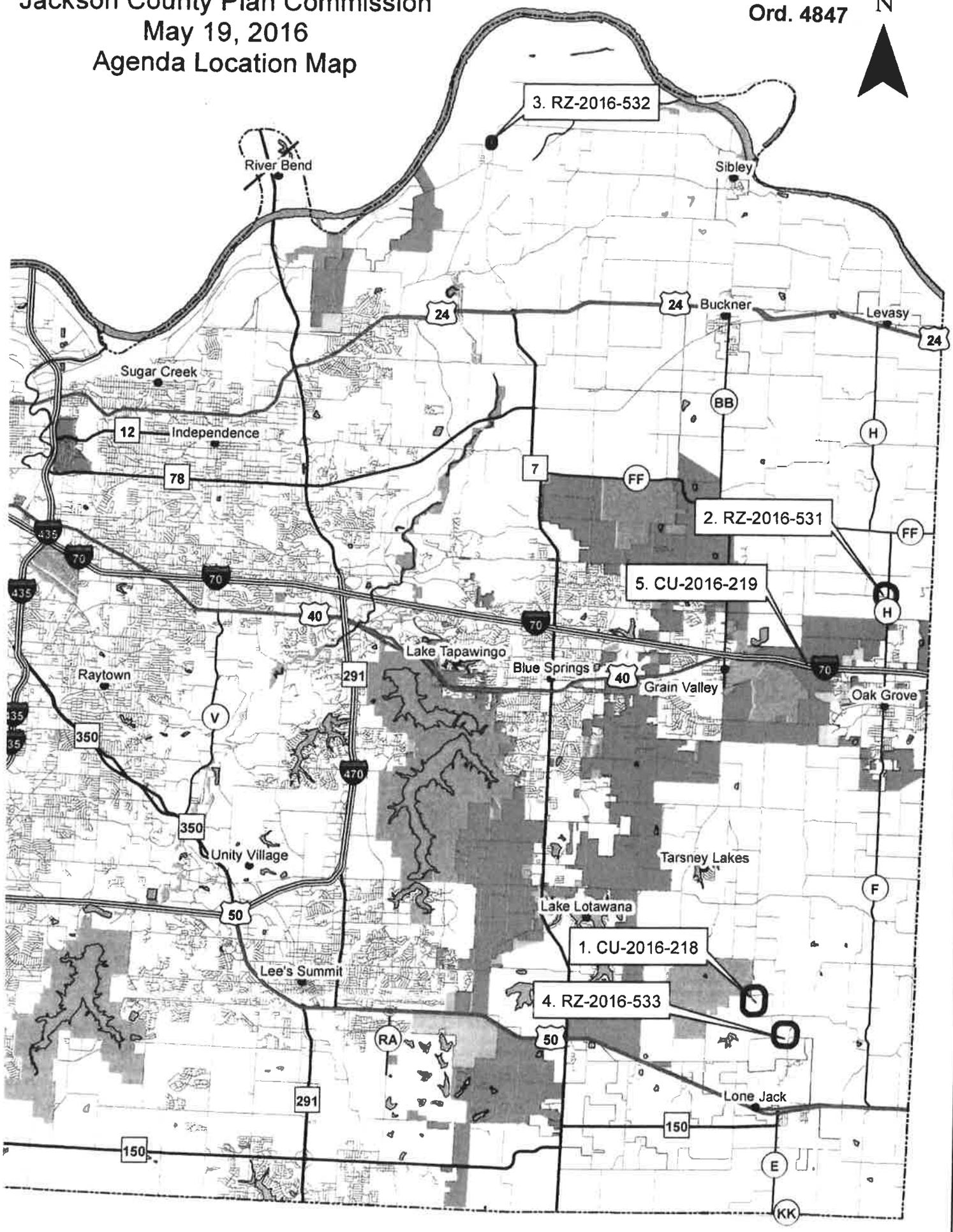
Randy Diehl
Administrator

Planning and Development Division

Jackson County Plan Commission
May 19, 2016
Agenda Location Map

Ord. 4847

N



3. RZ-2016-532

2. RZ-2016-531

5. CU-2016-219

1. CU-2016-218

4. RZ-2016-533

Applicants / Property Owners:

Montgomery Steve
311 SW 13th Street
Oak Grove, MO 64075

Martin Perri
3814 S Outer Belt Road
Oak Grove, MO 64075

38-200-01-11-03-0-00-000
38-200-01-11-01-1-00-000
38-200-01-11-02-0-00-000

Certified Mail – Return Receipt
Property Owners within 1000 feet

38-100-02-16-00-0-00-000
WENDEL LINDA KAYE
PO BOX 9433
KANSAS CITY MO 640133

38-100-02-05-01-2-00-000
CRAWFORD JAMES J & VERLYN L-TR
3721 S OUTER BELT RD
OAK GROVE MO 64075

38-200-01-01-02-4-00-00
JOHNSON JOHN W & VICTORIA
3516 S OUTER BELT RD
OAK GROVE MO 64070

38-200-01-15-00-0-00-000
KUIKEN GREG & ANDREA
38306 E OLD PINK HILL ROAD
OAK GROVE MO 64075

38-200-01-13-00-0-00-000
LONG JOSEPH & ANNIE
3806 S OUTER BELT RD
OAK GROVE MO 64075

38-200-01-12-00-0-00-000
LONE JOSEPH & ANNIE

38-100-03-01-0-00-000
MANSUR GARDY D & MARGARET L
39502 E GILLESPIE RD
OAK GROVE MO 64075

38-200-01-16-00-0-00-000
McCURRY JAMES PATRICK
3604 S RUST RD
RAIN VALLEY MO 64029

38-200-04-02-00-0-00-000
MITCHELL JERRY P
38404 E PINK HILL RD
OAK GROVE MO 64075

38-200-04-01-01-0-00-000
MITCHELL JERRY P

38-200-01-01-02-6-00-000
BOODY MICHEAL A & JENNINGS KELLY A
319 S KETTERMAN RD
OAK GROVE MO 64075

38-100-02-05-01-1-00-000
PAUL NELSON BUILDER INC
PO BOX 382
OAK GROVE MO 64075

38-100-02-01-02-0-00-000
PHILPOTT LARRY S & BONNIE S
3615 S OUTERBELT RD
OAK GROVE MO 64075

38-100-03-02-00-0-00-000
BINSON CHARLES & NORMA RUTH
10 SW SHERIDAN DR
OAK GROVE MO 64075

38-200-01-01-01-0-00-000
RUSSELL CHARLES L
3617 S KETTERMAN RD
OAK GROVE MO 64075

38-200-04-01-02-0-00-000
TODD MICHAEL D & BARBARA A
3904 S OUTER BELT RD
OAK GROVE MO 64075

JACKSON COUNTY, MISSOURI
APPLICATION FOR CHANGE OF ZONING

APPLICANT INFORMATION:

- 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- 2016-531
Date filed Date of hearing
Date advertised Date property owners notified
Date signs posted
Hearings: Heard by Date Decision
Heard by Date Decision
Heard by Date Decision

BEGIN APPLICATION HERE:

1. Data on Applicant(s) and Owner(s):
a. Applicant(s) Name: Steve Montgomery
Address: 311 SW 13th Street, Oak Grove, MO 64075
Phone: 816-678-3318
b. Owner(s) Name: Perri Martin
Address: 3814 S. Outer Belt Rd, Oak Grove, MO 64075
Phone:
c. Agent(s) Name: Powell and Associates, LLC

Address: 901 NW Vesper Rd

Phone: 816-228-7070

d. Applicant's interest in Property: Purchaser

2. General location (Road Name) 3814 S. Outer Belt Rd

3. Present Zoning Agriculture Homesite Requested Zoning Residential Ranchette

4. AREA (sq. ft. / acres) 5.0+/-

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

Attached

6. Present Use of Property: Residential

7. Proposed Use of Property: Residential

8. Proposed Time Schedule for Development: n/a

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? Yes

If so, will any improvements be made to the property which will increase or decrease the elevation? No

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

a. Water Water District 16

b. Sewage disposal On-Site Septic

c. Electricity KCP&L

d. Fire and Police protection Sni Valley/Jackson County

12. Describe existing road width and condition: Old Pink Hill Road, 18' asphalt in fair condition
MO Highway H, 25' asphalt in good condition

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):

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
Property Owner(s)

Perri Martin

Date

4-8-14

Applicant(s):

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF Jackson

On this 8th day of April, in the year of 2016, before me the undersigned notary public, personally appeared Perri Martin

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.

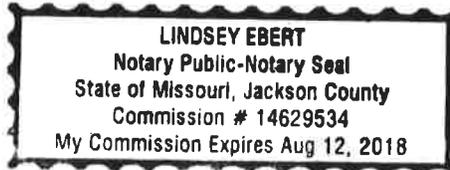
In witness whereof, I hereunto set my hand and official seal.

Notary Public

Lindsey Ebert

Commission Expires

08/12/2018



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)

Applicant(s):

Steve Montgomery
Armanda Montgomery

4-8-16
4-8-16

Contract Purchaser(s):

STATE OF Missouri
COUNTY OF JACKSON

On this 8 day of April, in the year of 2016, before me the undersigned notary public, personally appeared Steve Montgomery & Armanda Montgomery 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.

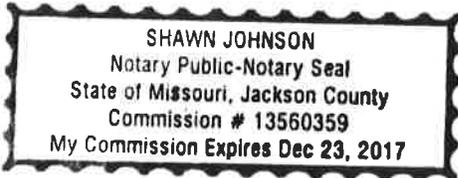
In witness whereof, I hereunto set my hand and official seal.

Notary Public

[Signature]

Commission Expires

Dec 23, 2017







Ord. 4847

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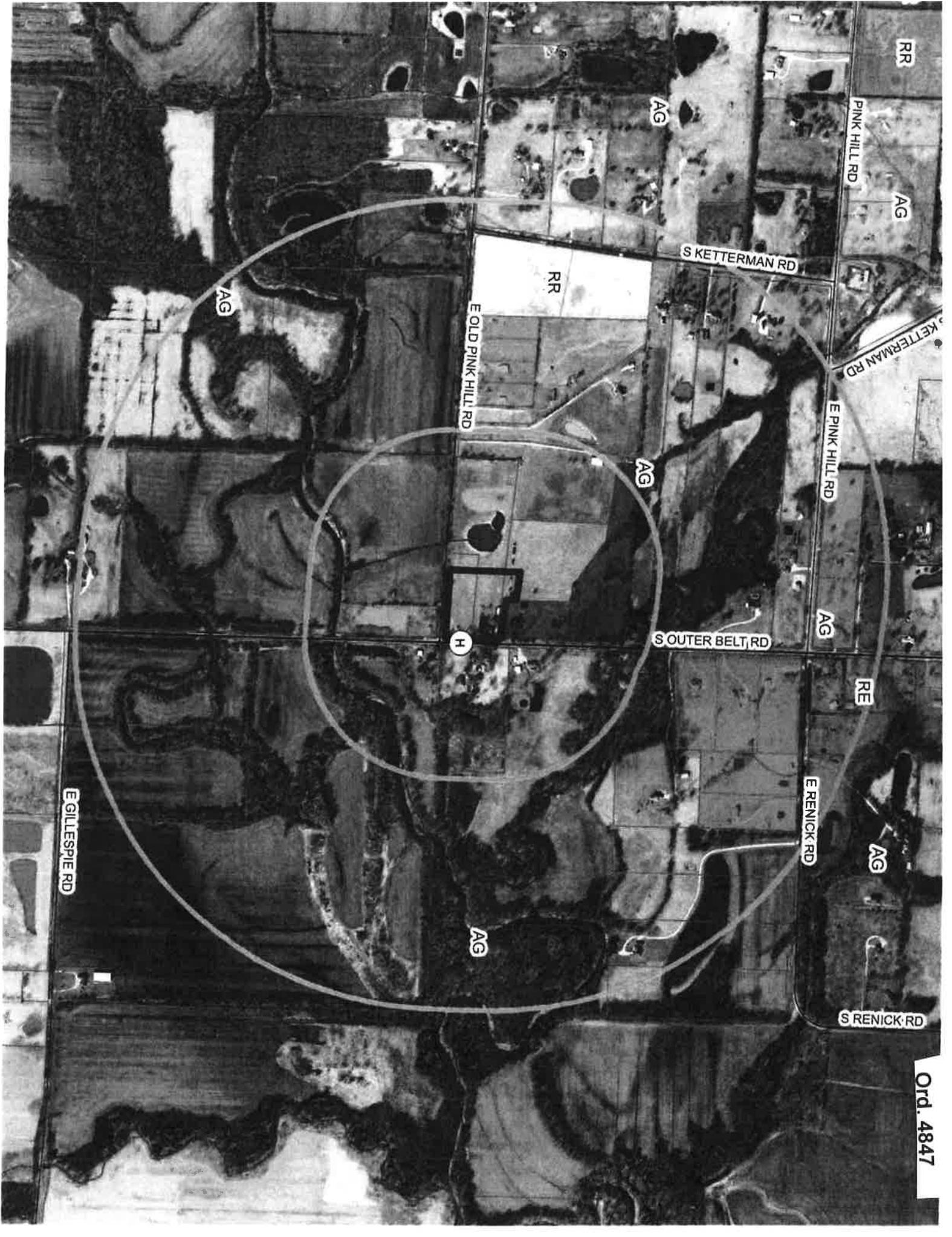
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Ord. 4847

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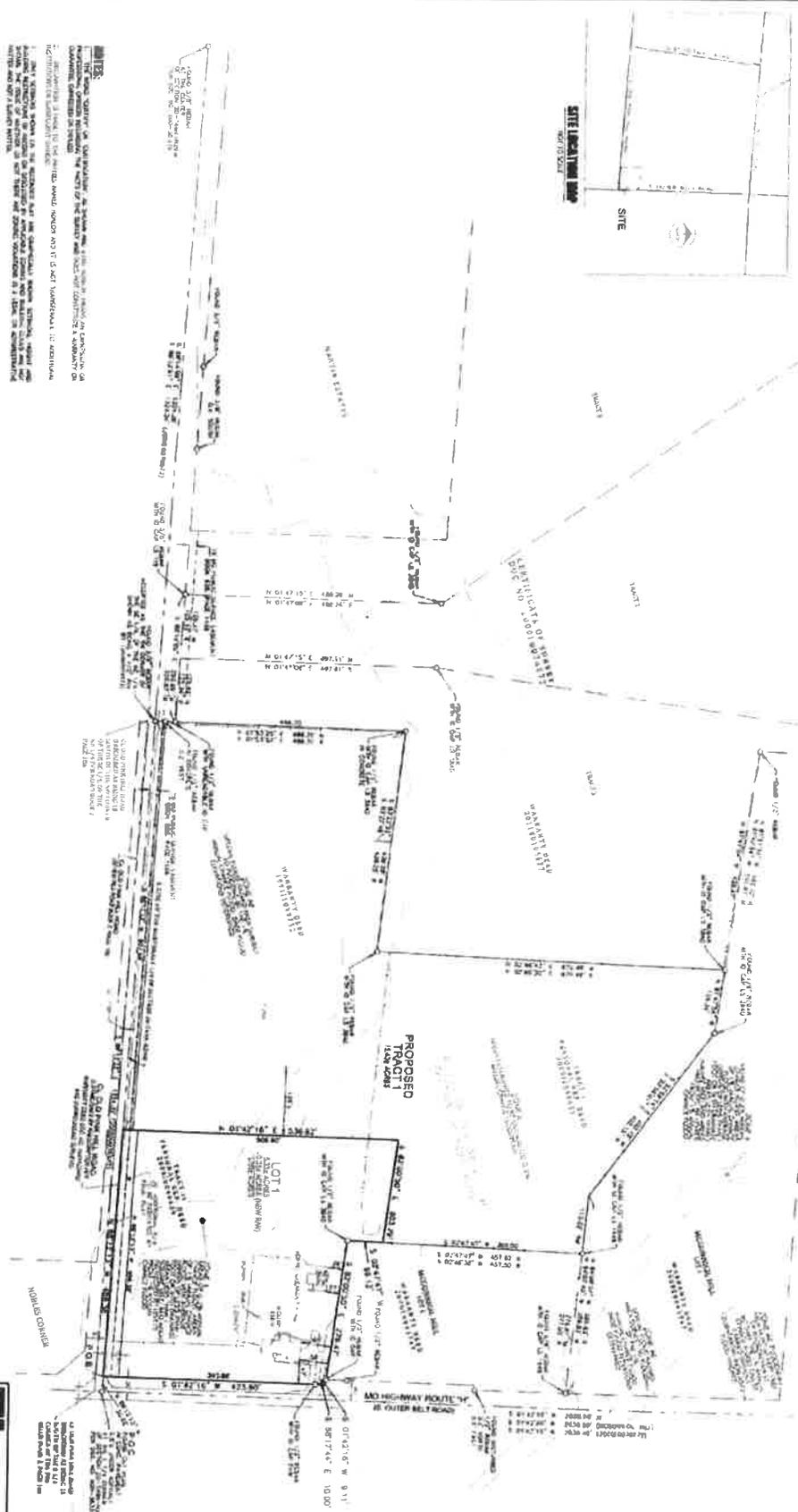
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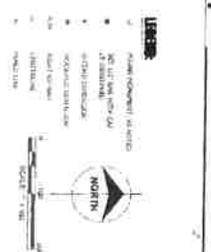
PLANNING PLAN
MARTIN ESTATES - PLAT 2
 PART OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 28 WEST
 AND COUNTY, MADISON COUNTY, MISSISSIPPI



FIGURE 42 NORTH, RANGE 28 WEST



- NOTES:**
1. THE PLANNING OFFICER HAS CONDUCTED A VISUAL AND PHOTOGRAPHIC SURVEY OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS SUITABLE FOR THE PROPOSED DEVELOPMENT.
 2. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE COUNTY.
 3. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT.
 4. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI CONSTITUTION.
 5. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI DEED ACT.
 6. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI EASEMENT ACT.
 7. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI EJECTMENT ACT.
 8. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI EMBODIMENT ACT.
 9. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI EMBODIMENT ACT.
 10. THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE MISSISSIPPI EMBODIMENT ACT.



LEGEND:

- PLANNING OFFICER'S OFFICE
- PROPOSED TRACT 1
- PROPOSED TRACT 2
- PROPOSED TRACT 3
- PROPOSED TRACT 4
- PROPOSED TRACT 5
- PROPOSED TRACT 6
- PROPOSED TRACT 7
- PROPOSED TRACT 8
- PROPOSED TRACT 9
- PROPOSED TRACT 10
- PROPOSED TRACT 11
- PROPOSED TRACT 12
- PROPOSED TRACT 13
- PROPOSED TRACT 14
- PROPOSED TRACT 15
- PROPOSED TRACT 16
- PROPOSED TRACT 17
- PROPOSED TRACT 18
- PROPOSED TRACT 19
- PROPOSED TRACT 20

PLANNING PLAN
MARTIN ESTATES - PLAT 2
 PART OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 28 WEST
 AND COUNTY, MADISON COUNTY, MISSISSIPPI

POWELL AND ASSOCIATES, LLC
 11111 W. STATE ST., SUITE 100
 MEMPHIS, TN 38117
 (901) 525-1111

DATE: 11/11/11
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

