



Westfield City Council Report

Ordinance Number: 11-03
APC Petition Number: 1101-REZ-01
Address: 1901 State Road 32 West
Petitioner: Rick and Jennifer Lane
Requested Action: Change in zoning from the SF-5 District to the GB District
Current Zoning District: SF-5
Requested Zoning District: GB
Filing Date: December 3, 2010
Referral Date to APC: December 13, 2010
APC Public Hearing: January 4, 2011
APC Recommendation: February 7, 2011
Adoption Consideration: February 14, 2011
Exhibits:
1. Staff Report
2. Aerial Location Map
3. Concept Plan
4. Voluntary Written Commitments
5. Permitted Use List Comparison

Prepared By: Kevin M. Todd, AICP

Petition History

This petition for a change in zoning was filed on December 3, 2010. This petition received a public hearing at the January 4, 2011 Advisory Plan Commission meeting, and it received a favorable recommendation for approval at the February 7, 2011 Advisory Plan Commission meeting.

Procedural

- Requests for a change in zoning are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1505.
- The Advisory Plan Commission (the "APC") held a public hearing on January 4, 2011 and issued a favorable recommendation (7-1) to the City Council in support of the proposed rezone request at its January 18, 2011 meeting.
- Notification of the January 4, 2011 public hearing was provided in accordance with the APC Rules of Procedure.
- The Westfield City Council may take action on this item at the February 14, 2011 meeting.

Project Overview

The subject property is located on the south side of State Road 32 and includes the second and third properties west of Eagletown Road (the "Property"). The Property is approximately 0.67 acre in size, and a portion of the Property previously housed a fence contractor, Pin-Oak-Portable-Pens.

The petitioner's proposed use of the Property is for an auto-repair and auto sales business.

Comprehensive Plan

The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") identifies several themes for guiding the future development of Westfield-Washington Township. The applicable developmental themes are as follows:

- **Buffers & Transitions** – The Comprehensive Plan encourages "appropriate" buffers and transitions between commercial and non-commercial uses. The Zoning Ordinance establishes buffer yard requirements between differing uses and districts. Since the adoption of the Comprehensive Plan, the buffer yard standards in the Zoning Ordinance have remained the same. Any development of the Property would be required to follow the City's existing buffer yard and landscaping requirements.
- **Connectivity** – The Comprehensive Plan encourages not only vehicular connectivity, but also pedestrian connectivity. Any future development of the Property would require the installation of pedestrian pathways.
- **Contiguous Growth** -- The Comprehensive Plan encourages that new development be contiguous to other, existing development. The Property is contiguous to existing residential and nonresidential development in the Eagletown area.
- **Access Control** – The Comprehensive Plan encourages the development of an access management plan. Since the adoption of the Comprehensive Plan, an access management plan has not been adopted. The Property is currently accessed from State Road 32, and INDOT has indicated that they will permit a commercial road cut when the property is further developed.

The Comprehensive Plan also identifies this area as being within the Village of Eagletown. The recommendations for the Village of Eagletown include the following:

- **Design continuity of the north and south sides of State Road 32** –An overall master plan or set of specific guidelines for Eagletown may help achieve this recommendation. A master plan for Eagletown has not yet been created.
- **Pedestrian Friendly** – The Comprehensive Plan encourages that the redevelopment of Eagletown take place in a manner that is friendly and safe for pedestrians. There has not been any redevelopment in Eagletown since the adoption of the Comprehensive Plan. Any future development of the Property would require the installation of pedestrian pathways.
- **Street Presence** – The Comprehensive Plan encourages new structures to be built at or near the front of the property, where feasible. It also discourages deep setbacks and large parking lots in

front of buildings. The existing building is near the State Road 32 right-of-way line, and the proposed parking is located to the side of the existing structure.

- **Appropriate Land Uses** – The Comprehensive Plan identifies “Commercial, including retail and service” uses as appropriate in the Village of Eagletown. Auto repair and auto sales would seem to fit into that description.

Permitted Uses

The petitioner has proposed a list of uses, which largely restrict the list of permitted uses so that it is more comparable with the Local Business list of permitted use, better fits the lot size, and better fits the Comprehensive Plan’s vision for Eagletown. The list of uses has been included in the attached written commitments (Exhibit 4).

Parking Lot Screening & Building Style

The petitioner has agreed to install an opaque fence with landscaping, which would screen the parking lot from State Road 32. This agreement has been included in the attached written commitments (Exhibit 4). The petitioner has also submitted conceptual examples of building styles that could be constructed on the Property (Exhibit 3). These examples depict similar building materials, architectural style and roof lines.

State Road 32

INDOT has indicated that they do not have any current plans for road widening along this segment of State Road 32, so the existing lot layout and dimensions will remain the same for the foreseeable future. INDOT has also indicated that they will allow the proposed road cut on State Road 32.

Public Policy

Westfield Comprehensive Plan (2007, as amended)

See discussion above under “Project Overview” regarding the Comprehensive Plan.

Westfield Thoroughfare Plan (2007, as amended)

The Westfield Thoroughfare Plan (the “Thoroughfare Plan”) classifies State Road 32 as a “Primary Arterial 1”. The recommended right-of-way width for a Primary Arterial 1 is 150 feet. INDOT does not have any current plans to widen State Road 32 in the Eagletown area. The Thoroughfare Plan classifies the adjacent segment of Eagletown Road as a “Collector”. The recommended right-of-way width for a Collector is 100 feet.

Park & Recreation Master Plan (2005)

The Westfield Parks & Recreation Master Plan focuses on the build-out and development of the community's existing parks and trail systems. The Property is not within or adjacent to an existing park or trail.

Water & Sewer System

The Property is currently on private well and septic systems. City water and sewer facilities are not adjacent to the property and it is unknown at this time when the facilities would be available on the Property.

Annexation

The Property is adjacent to, but not currently within the corporate boundaries of the City of Westfield. It is anticipated that a condition of any rezoning approval would require the Property be annexed into the City.

Well Head Protection – Ord. 05-31

The Property is not within a City of Westfield wellhead protection area.

Statutory Considerations

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

See Comprehensive Plan discussion above, under "Big Picture Discussion Items".

2. Current conditions and the character of current structures and uses.

The site contains a structure which is currently vacant, but has historically been used as a fence contractor.

3. The most desirable use for which the land is adapted.

The Comprehensive Plan identifies pedestrian-friendly retail and service uses as being appropriate and desirable within the Eagletown village area.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the Project would have a neutral or positive impact on surrounding property values and throughout the jurisdiction.

5. Responsible growth and development.

The site is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City water and sewer are not currently available to serve the proposed project; however connection to the facilities would be able to be made as the services become available.

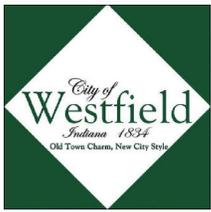
Recommendations/Actions

- Community Development Department [February 7, 2011]
The Westfield Community Development Staff, in its report to the APC, made a recommendation that the APC forward a favorable recommendation to the City Council if the APC members were satisfied with the way the petitioner addressed the issues raised at the public hearing on January 4, 2011 .

- Advisory Plan Commission [February 7, 2011]
The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation to the City Council (Vote of: 7-1).

- City Council
 - Introduction: [December 13, 2010]
 - Eligible for Adoption: [February 14, 2011]

Submitted by: Kevin M. Todd, AICP, *Senior Planner*

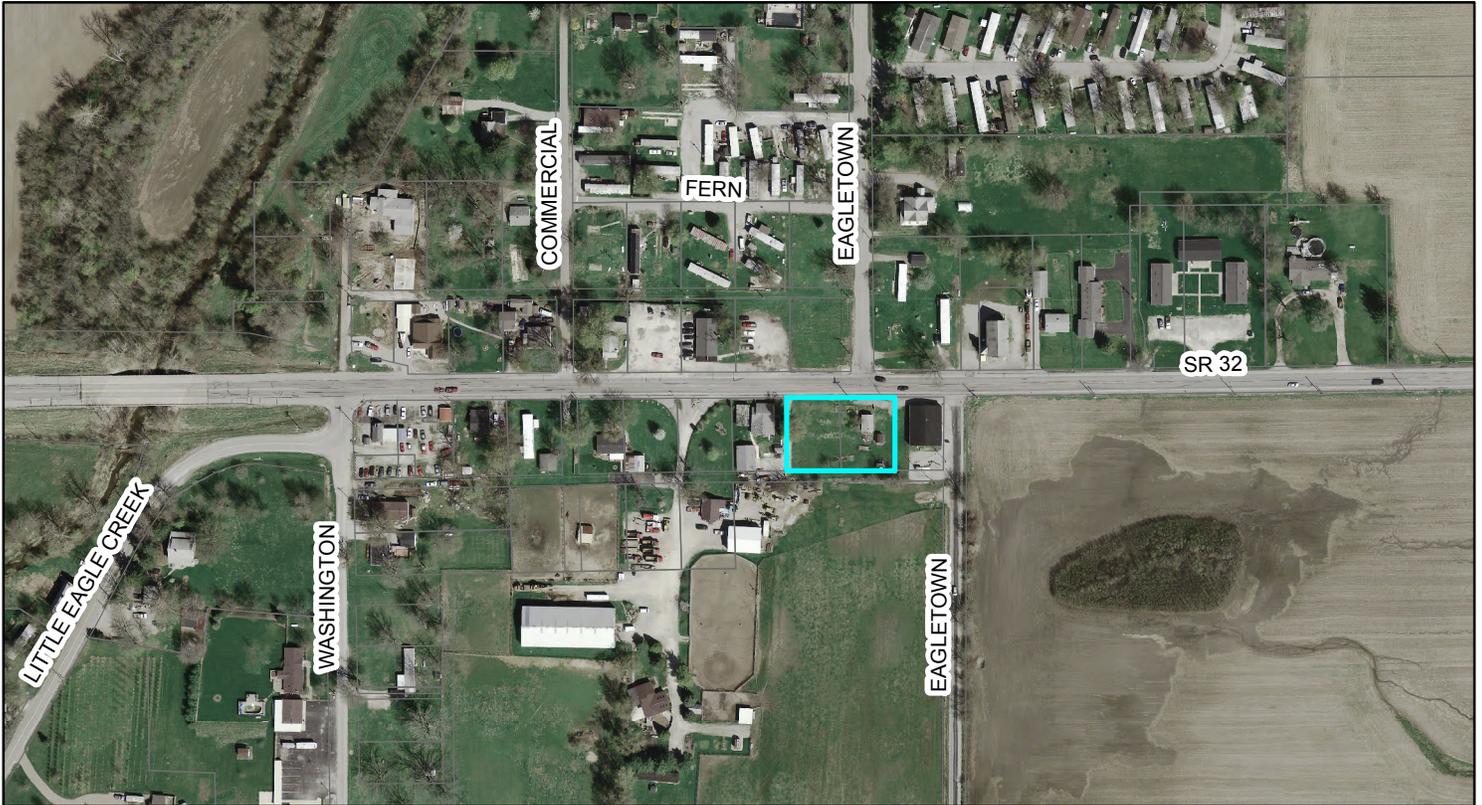


1101-REZ-01
1901 State Road 32 West
Exhibit 2

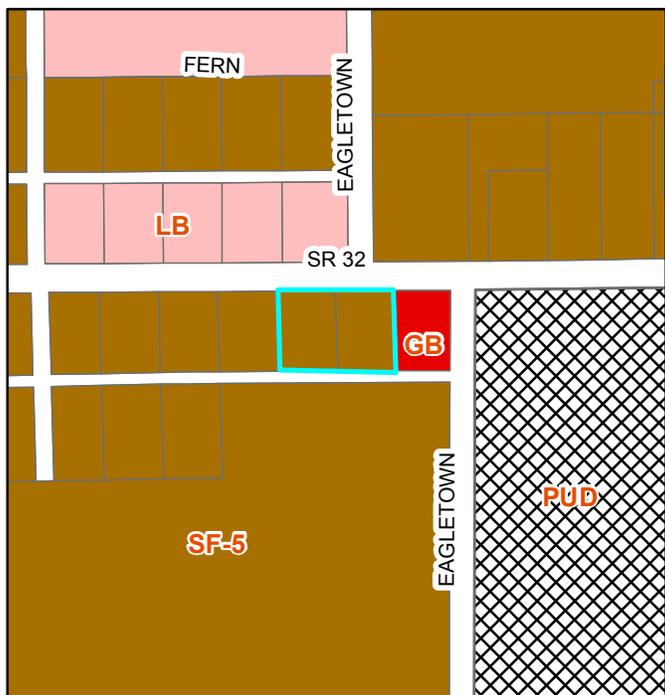


Aerial Location Map (2008)

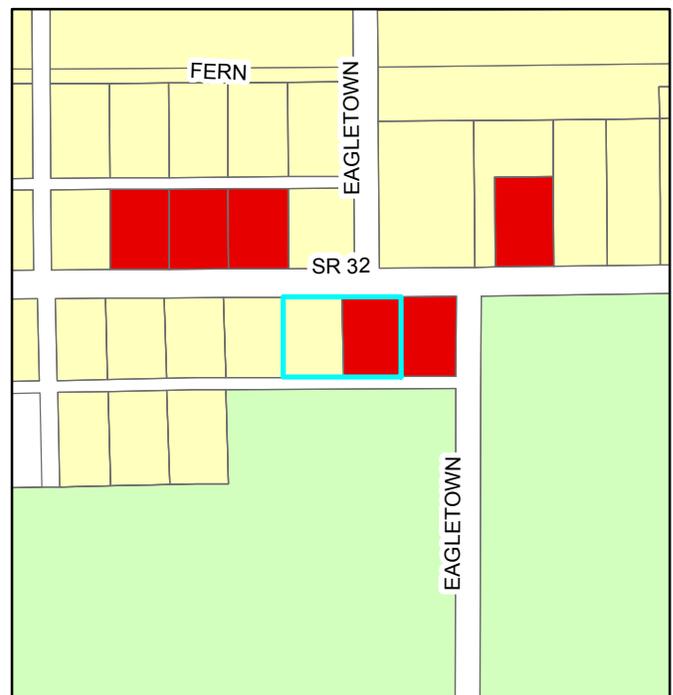
Site



Zoning Map (2008)



Existing Land Use Map (2008)



- SF-5
- LB
- PUD
- GB

- Agricultural
- Residential
- Commercial
- Vacant

DATE: DECEMBER 3, 2010

PETITION TO CHANGE ZONING

Plan Commission Docket No.: _____

Name of Applicant: RICK LANE
Address: 120 LAKE TERRACE CT. NOBLESVILLE, IN 46062
Phone No.: 317-545-7585

Name of Representative: RICK AND/OR JENNIFER LANE
Address: 120 LAKE TERRACE CT. NOBLESVILLE, IN 46062
Phone No.: RICK 545-7585 JENNIFER 345-4243

Name of Property Owner*: RICK LANE

Premises Affected: 1901 STATE ROAD 32 W. WESTFIELD, IN 46074
ENCOMPASSING LOTS 19, 20 AND 21

Metes and Bounds Description: SEE ATTACHED DEED AND SUPPLEMENTAL INFORMATION

Plot Size: 29,370 sq. ft. Fronting On: STATE ROAD 32

Nature and Size of Improvement Now Existing on Plot: 1STY BLOCK BLDG - 2880 SQ. FT.
1STY STICK BUILT - 352 SQ. FT.

Present Zoning: SINGLE FAMILY

Requested Zoning: GENERAL BUSINESS

The above information, to my knowledge and belief, is true and correct:

Rick Lane

State of Indiana)
) SS:
County of Hamilton)

Subscribed and Sworn to before me, a Notary Public in and for said County and State, this 3 day of December, 2010.

My Commission Expires:

11/18/2018

Elizabeth Humes
Notary Public Elizabeth Humes

*If the petitioner is not the property owner, a letter of consent from the property owner must accompany this document

RECEIVED

DEC - 3 2010



SR 32

1901 SR 32 W.

55'

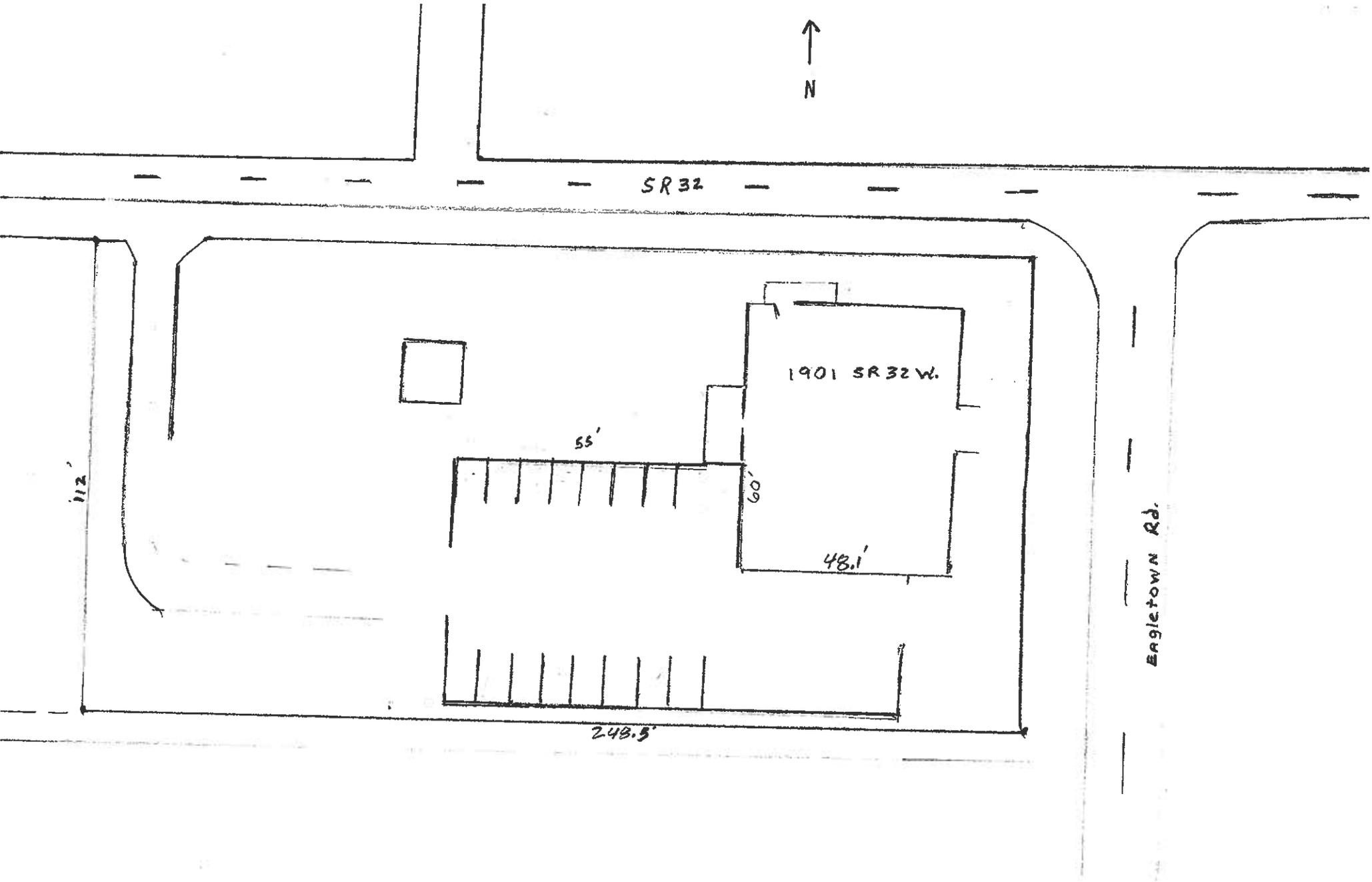
60'

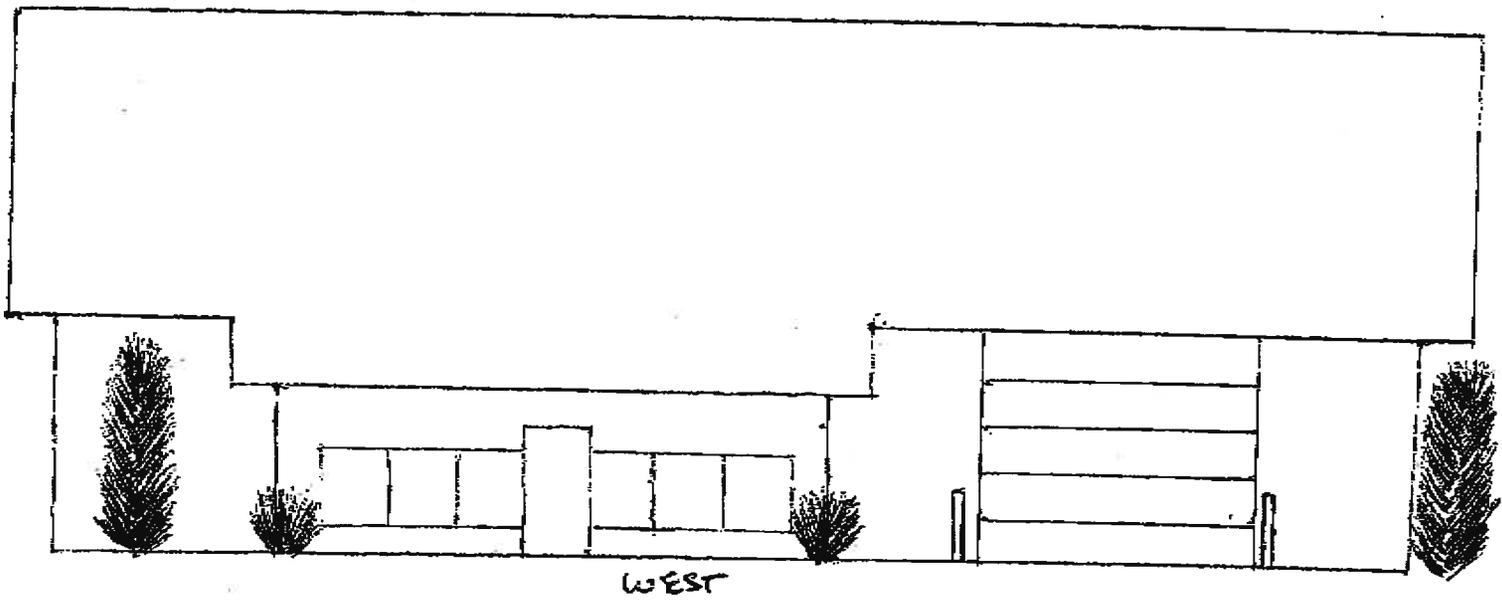
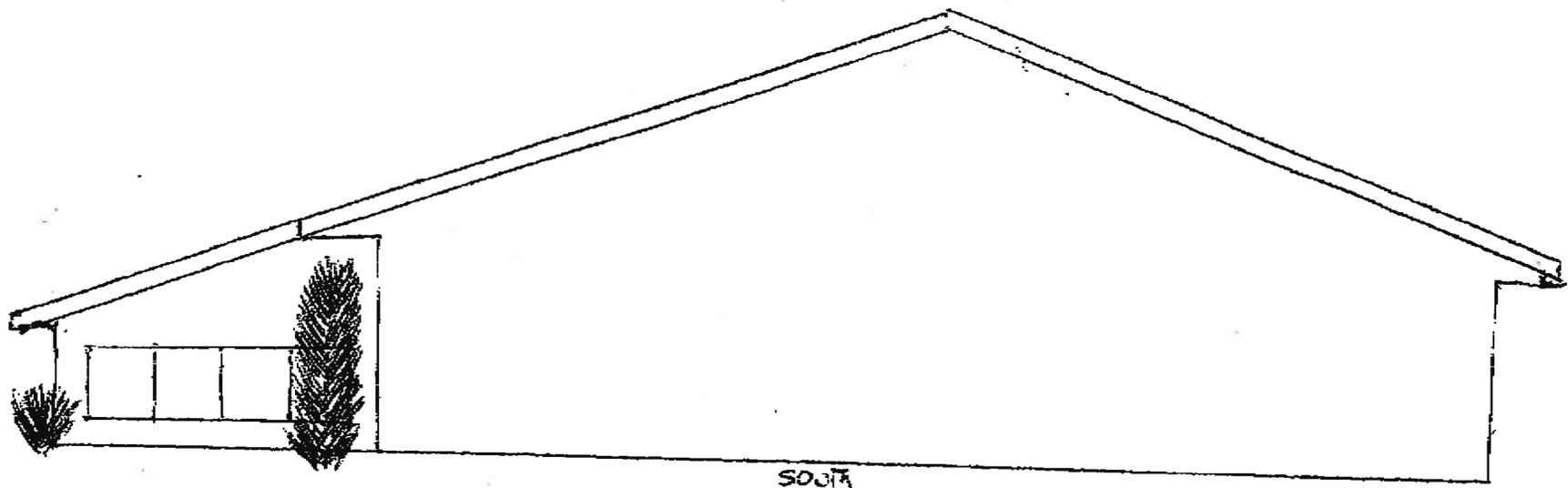
48.1'

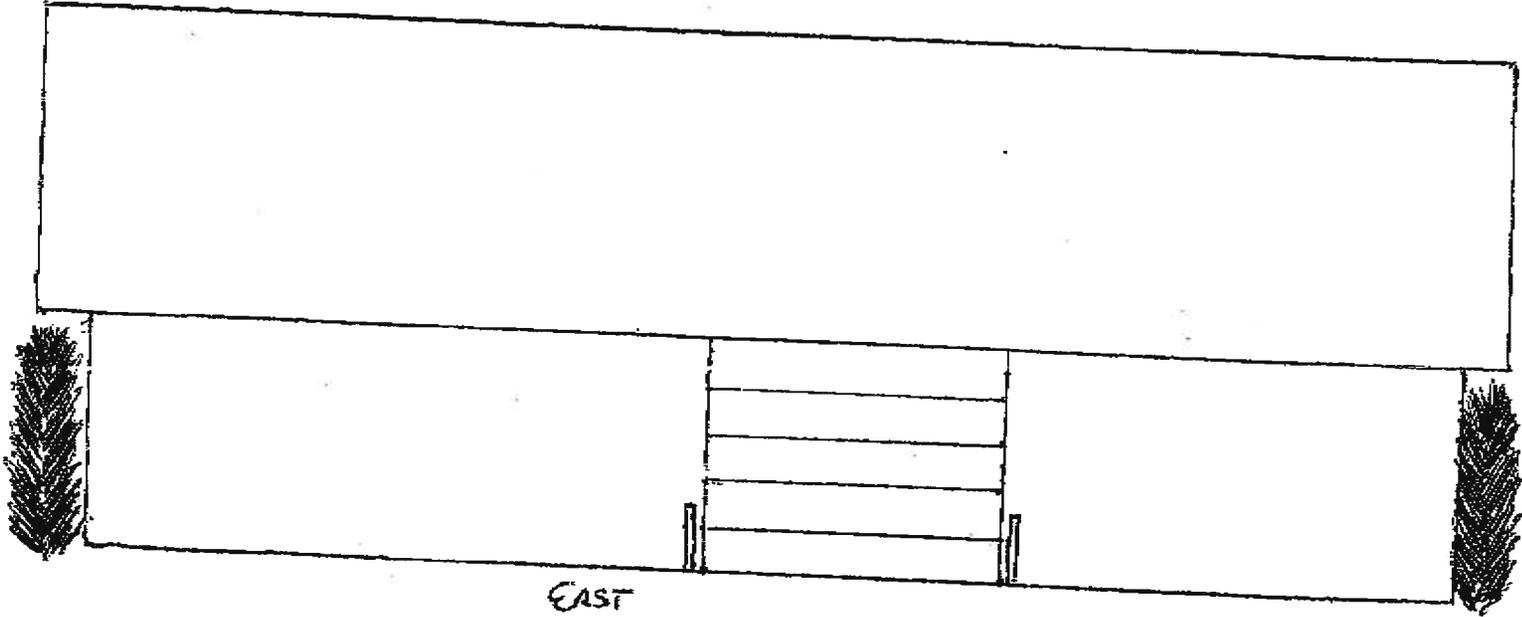
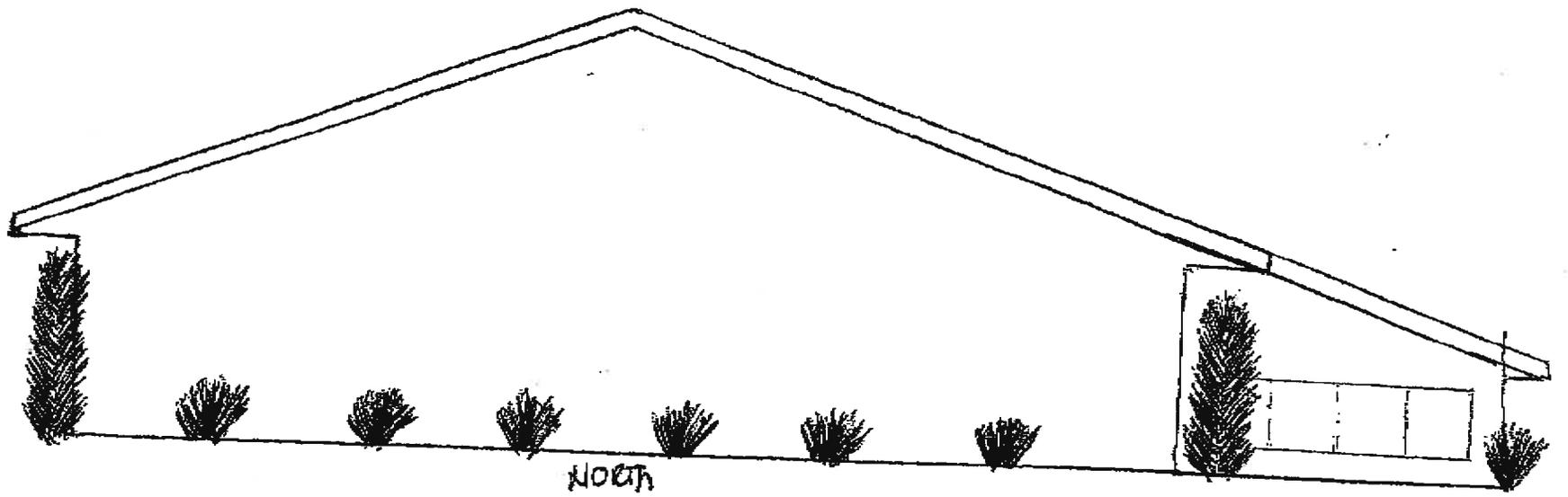
112'

248.5'

Engletown Rd.









Note – The City Council should not vote on Ordinance 11-03 until these voluntary commitments have been signed by the owner.

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Cross Referenced to Instrument No. _____

Rick Lane (the “Owner”) makes the following commitments (the “Commitments”) to the Westfield City Council (the “Council”) regarding the use and development of the following described real estate (the “Real Estate”) located in Hamilton County, Indiana:

Section 1. **Description of Real Estate:** See attached Exhibit “A”

Section 2. **Petition:** Westfield City Council Ordinance 11-03 (“Ord. 11-03”)

Section 3. **Statement of Commitments:**

These commitments shall run with the land, be binding on the Owner of the Real Estate, subsequent owners of the Real Estate and other persons acquiring an interest therein.

A. Permitted Uses: The land uses for the Real Estate shall be limited to those found in the Permitted Use List, attached hereto and incorporated herein as Exhibit “B”.

In the event that a land use which is listed in Exhibit “B” is removed or otherwise amended from the General Business Use List in the Westfield-Washington Township Zoning Ordinance after the effective date of these Commitments, then that land use shall likewise be removed or otherwise amended from Exhibit “B”.

B. Parking Lot Screening:

- a. The parking lot shall be screened from view from State Road 32 by an opaque fence that is a minimum of six (6) feet in height;
- b. The north side of the fence shall be softened using the following minimum landscaping standards (these plantings shall count towards any “On-Site” planting requirements):
 - i. 1 ornamental tree every 30 linear feet; and,
 - ii. 5 shrubs ever 30 linear feet.

C. Hamilton County Surveyor’s Office: Prior to paving any new surfaces or constructing any new buildings, any necessary and applicable approvals from the Hamilton County Surveyor’s Office must be obtained.

- D. Hamilton County Health Department: Prior to any business expansion or increase in septic system capacity, any necessary and applicable approvals from the Hamilton County Health Department must be obtained.

Section 4. **Binding on Successors and Assigns:**

After the Effective Date, these Commitments are binding upon the Owner, each subsequent owner of the Real Estate, each other person acquiring and interest in the Real Estate, and each user of the Real Estate, unless modified or terminated by the Westfield City Council.

Section 5. **Modifications of Commitments:**

These Commitments may be modified or terminated only by a decision made by the Westfield City Council.

Section 6. **Effective Date:**

The Commitments contained herein shall be effective upon the approval of Ord. 11-03 and shall continue in effect unless modification or terminated by the Westfield City Council.

Section 7. **Recording:**

The undersigned hereby authorizes the Westfield Community Development Department Director to record these Commitments in the Office of the Recorder of Hamilton County, Indiana, upon approval of Ord. 11-03.

Section 8. **Enforcement:**

These Commitments may be enforced by the City Council of the City of Westfield, Hamilton County, Indiana.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the "Owner," has caused these Commitments to be executed as of the _____ day of _____, 2011.

Rick Lane

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Rick Lane, who having been duly sworn acknowledged the execution of the forgoing Commitments.

Witness my hand and Notarial Seal this _____ day of _____, 2011.

My Commission Expires:

Notary Public
Printed _____
Residing in _____ County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin M. Todd

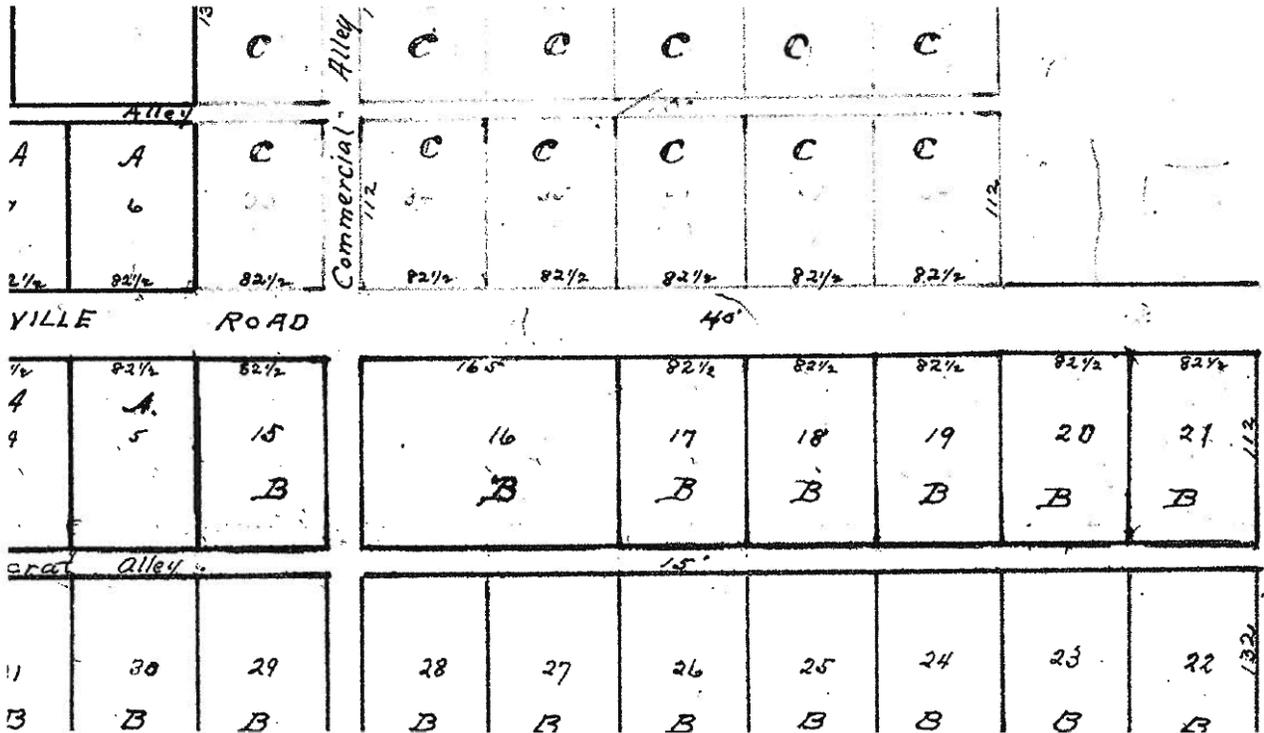
Prepared by : Kevin M. Todd, Senior Planner, City of Westfield, Indiana
2728 East 171st Street, Westfield, Indiana 46074; (317) 804-3170.

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EXHIBIT A

Description of Real Estate

Lots Number 19 and 20 in Waller's Addition to the Town of Eagletown, Hamilton County, Indiana, as per plat thereof recorded January 6, 1851 in Deed Record O, Page 52, in the Office of the Recorder of Hamilton County, Indiana.



[Remainder of page intentionally left blank]

EXHIBIT B

Permitted Use List

- Antiques
- Auto Parts Sales
- Auto Rental
- Auto Sales, New or Used, Service and Repair
- Bakeries
- Barber and Beauty Shops
- Bicycle Sales, Rental & Service
- Blueprinting, Photocopying Job Printing
- Book Stores
- Camera Stores
- Cemetery Monument Sales
- Charitable Donation Pick-Up Station
- China and Glassware Shops
- Coin Shops
- Commissary, Food Catering Serv.
- Custard Stands
- Dancing Schools
- Data Processing
- Day Care Centers
- Delicatessen
- Dentists
- Discount Stores – Under 10,000 Sq.Ft.
- Drive-In Food and Beverage
- Drug Stores
- Dry Cleaning & Laundry Pickup
- Employment Agencies
- Exterminators
- Fabric Shops
- Feed Stores
- Fire Stations
- Floor Coverings
- Florists
- Fruit Stands, Permanent
- Fruit Stands, Temporary
- Furrier Shops
- Galleries
- General Construction Company
- Gift Shops
- Health, Fitness, and Exercise Center
- Hardware Stores
- Hobby Shops
- Home Remodeling Company

- Insurance Companies
- Interior Decorating
- Jewelry Stores
- Laundromats and Self-Service Dry Cleaning
- Lawyers
- Libraries
- Liquor Stores
- Locksmith Shops
- Luggage Stores
- Mail Order Store
- Mfg. of Jewelry, with Retail
- Millinery
- Motorcycle Sales, Service, Repair and Outdoor Display
- Museums
- Music, Records, Instruments
- Music Schools
- Office Buildings – General Purpose
- Optometrists
- Paint and Wallpaper Stores
- Pet Grooming
- Pet Obedience Schools
- Pet Shops
- Philanthropic Institutions
- Photography School
- Photography Studio
- Photography Supplies
- Physicians
- Picture Framing
- Plumbing Showrooms and Shop
- Police Stations
- Post Offices
- Printing and Photocopying, Small Jobs
- Real Estate Offices
- Restaurants and Cafeterias having more than 50% of gross sales derived from food sales, excluding Drive-Ins
- Restaurants and Cafeterias having less than 50% of gross sales derived from food sales, excluding Drive-Ins
- Restaurants with Live Entertainment
- Root Beer Stands
- Sewing Machine Sales & Service
- Shoe Repair
- Shoe Stores
- Sporting Goods
- Stationery Stores
- Taylor or Seamstress
- Tire and Auto Service Center
- Tobacco Shops

- Tool and Light Equipment Rental
- Toy Stores
- Travel Bureaus
- Typewriter Sales, Rental and Service
- Upholsters
- Veterinarians – Small Animals, No Outdoor Runs

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EXHIBIT 6
**PERMITTED USE LIST
 COMPARISON**

Commercial Businesses

Type of Business	Local Business	General Business	Uses Limited to the Following
Advertising and Business Signs, Fabrication		X	
Amphitheaters	X	X	
Antiques	X	X	X
Apartment Hotels, Motels, Hotels		X	
Art School	X	X	
Artisan School	X	X	
Assembly Halls	X	X	
Auction Rooms		X	
Auditoriums		X	
Auto Parts Sales		X	X
Auto Rental		X	X
Auto Sales, New or Used, Service and Repair		X	X
Bakeries	X	X	X
Banks and Savings & Loan Assn.	X	X	
Barber and Beauty Schools	X	X	
Barber and Beauty Shops	X	X	X
Bicycle Sales, Rental & Service	X	X	X
Billiard Parlor		X	
Blueprinting, Photocopying Job Printing		X	X
Boat and Trailer Sales & Service		SP. EX.	SP.EX.
Book Stores	X	X	X
Bowling Alley		X	
Business and Clerical Schools		X	
Bus Stations		X	
Camera Stores	X	X	X
Car Wash (Indoor)	SP. EX	X	
Caskets and Casket Supplies (Mortuary)		X	
Cemetery Monument Sales		X	X
Charitable Donation Pick-Up Station	X	X	X
Charitable Institutions		X	X
China and Glassware Shops	X	X	X
Churches	X	X	
Civic Centers	X	X	

EXHIBIT 6
**PERMITTED USE LIST
 COMPARISON**

Civic Clubs	X	X	
Coin Shops	X	X	X
Commercial Parking Lots and Structures, Public	X	X	
Commissary, Food Catering Serv.		X	X
Consumer Service Offices	X	X	
Credit Union Offices	X	X	
Custard Stands	X	X	X
Dancing Schools	X	X	X
Delicatessen	X	X	X
Dentists	X	X	X
Department Stores— Under 10,000 Sq. Ft.	X	X	
Department Stores— Over 10,000 Sq. Ft.		X	
Discount Stores - Under 10,000 Sq. Ft.	X	X	X
Discount Stores— Over 10,000 Sq. Ft.		X	
Drive-In Food and Beverage		X	X
Drug Stores	X	X	X
Dry Cleaning & Laundry Pickup	X	X	X
Educational Institutions Public and Private	X	X	
Electrical Supply Store		X	
Embalming School		X	
Employment Agencies	X	X	X
Exhibition Halls	X	X	
Exterminators		X	X
Fabric Shops	X	X	X
Farm Implement Sales & Service		X	
Feed Stores		X	X
Fire Stations	X	X	X
Floor Coverings	X	X	X
Florists	X	X	X
Frozen Food Stores & Lockers		X	
Fruit Stands, Permanent	X	X	X
Fruit Stands, Temporary	SP.EX.	X	X
Furniture Stores	X	X	
Furrier Shops	X	X	X
Galleries	X	X	X
Garden and Lawn Materials and Supply Stores	X	X	

EXHIBIT 6
**PERMITTED USE LIST
 COMPARISON**

Gasoline Service Station	SP.EX.	SP.EX.	
General Construction Company		SP.EX.	SP.EX.
Gift Shops	X	X	X
Government Offices - Universities	X	X	
Greenhouses, Retail		X	
Grocery Stores	X	X	
Health, Fitness, and Exercise Center		X	X
Hardware Stores	X	X	X
Hobby Shops	X	X	X
Home Remodeling Company		X	X
Home Remodeling Supplies and Materials		X	
Hospitals (Minor), Medical and Dental Clinics and Labs	X	X	
Insurance Companies	X	X	X
Interior Decorating	X	X	X
Jewelry Stores	X	X	X
Language Schools	X	X	
Laundromats and Self-Service Dry Cleaning	X	X	X
Lawyers	X	X	X
Libraries	X	X	X
Liquor Stores	SP.EX.	X	X
Loan Offices	X	X	
Locksmith Shops	X	X	X
Luggage Stores	X	X	X
Mail Order Store	X	X	X
Major Appliance Store		X	
Millinery	X	X	X
Miniature Golf, Archery, Driving Range, Trampoline Centers		X	
Mortuaries		X	
Motorcycle Sales, Service, Repair and Outdoor Display		X	X
Museums	X	X	X
Music, Records, Instruments	X	X	X
Music Schools	X	X	X
Newspaper Distribution Station		X	
Newspaper Publishing		X	
Nursery - Plants, Retail	X	X	
Optometrists	X	X	X
Paint and Wallpaper Stores	X	X	X

EXHIBIT 6
**PERMITTED USE LIST
 COMPARISON**

Pet Grooming	X	X	X
Pet Obedience Schools		X	X
Pet Shops	X	X	X
Philanthropic Institutions	X	X	X
Photography School	X	X	X
Photography Studio	X	X	X
Photography Supplies	X	X	X
Physicians	X	X	X
Picture Framing	X	X	X
Plumbing Showrooms and Shop		X	X
Police Stations	X	X	X
Post Offices	X	X	X
Printing and Photocopying, Small Jobs	X	X	X
Professional & Technical Schools		X	
Radio and TV Service	X	X	
Real Estate Offices	X	X	X
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	X	X	X
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	SP. EX.	X	X
Restaurants With Live Entertainment		X	X
Roller & Ice Skating Rinks		X	
Root Beer Stands		X	X
Self-Service Car Wash		X	
Semi-Automatic Car Wash	SP.EX.	X	
Sewing Machine Sales & Service	X	X	X
Shoe Repair	X	X	X
Shoe Stores	X	X	X
Sporting Goods	X	X	X
Stationery Stores	X	X	X
Taylor or Seamstress	X	X	X
Tennis Facilities		X	
Theaters - Indoor		X	
Tire and Auto Service Center		X	X
Tobacco Shops	X	X	X
Tool and Light Equipment Rental		X	X

EXHIBIT 6
**PERMITTED USE LIST
 COMPARISON**

Toy Stores	X	X	X
Trailer Rentals		SP.EX.	
Travel Bureaus	X	X	X
Travel Trailer Sales & Rentals		SP.EX.	
Typewriter Sales, Rental and Service	X	X	X
Upholsters	X	X	X
Veterinarians - Small Animals, No Outdoor Runs	X	X	X

Industrial Businesses

Type of Business	Local Business	General Business	Uses Limited to the Following
Data Processing		X	X
Industrial Schools & Training Facilities		X	
Mfg. of Jewelry, with Retail	X	X	X

Miscellaneous Businesses

Type of Business	Local Business	General Business	Uses Limited to the Following
Amusement Parks		SP.EX.	
Boarding & Lodging Houses	X	X	
Christmas Tree Sales	X	X	
Convents, Monasteries, Theological Schools, Rectories, Parishes	SP.EX.	SP.EX.	
Fraternities, Lodges	X	X	
Day Care Centers	X	X	X
Heliports		X	
Hospitals, Major		X	
Nursing Homes		SP EX	
Office Buildings - General Purpose	X	X	X
Private Clubs, Lodges	X	X	
Sanitariums		X	
Schools and Kindergartens	X	X	
Tennis & Swim Clubs		X	
Utilities Regulated by Indiana Utility Regulatory Commission	SP.EX. - All Areas		

EXHIBIT 6
PERMITTED USE LIST
COMPARISON

Utilities – Not Regulated by Indiana Utility Regulatory Commission	Permitted All Areas		
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**WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Advisory Plan Commission held a public hearing on Tuesday, January 4, 2011, to consider a change in zoning from the SF-5 District to the GB District for property located at 1901 State Road 32 West. Notice of the public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposal is as follows:

Case No.	1101-REZ-01
Petitioner	Rick and Jennifer Lane
Description	Petitioner requests a change in zoning from the SF-5 District to the GB District of approximately 0.67 acres.

On February 7, 2011, a motion was made and passed to send a favorable recommendation (7-1) to the City Council to approve 1101-REZ-01.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.



Matthew S. Skelton, Secretary

February 8, 2011

Date